



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

AGENDA TUOLUMNE COUNTY PLANNING COMMISSION BOARD OF SUPERVISORS CHAMBERS, 4TH FLOOR 2 SOUTH GREEN STREET May 20, 2020 6:00 PM

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

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 20, 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://us02web.zoom.us/j/81653559695> (Webinar ID: 816 5355 9695)
- 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. COVID- 19 Public Comment Procedures
2. Reports
 - a. Commissioners and Staff
 - b. Board of Supervisors Planning Committee Representative
 - c. Agricultural Advisory Committee Representative

3. Minutes of the Meeting of May 6, 2020

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. **RUMSEY**, Ordinance for Zone Change RZ19-011 to rezone a 350± square foot portion of a 4.22± acre parcel from RE-2 (Residential Estate, Two Acre Minimum) to RE-5 (Residential Estate, Five Acre Minimum) and a 24,519± square foot portion of a 6.02± acre parcel from RE-5 to RE-2 under Title 17 of the Tuolumne County Ordinance Code (TCOC).

The project site is located at 19448 and 19440 Rawhide Road, Jamestown. A portion of Section 4, Township 1 North, Range 14 East, Mount Diablo Baseline and Meridian and within Supervisorial District 5. Assessor's Parcel Numbers 058-390-018 and 058-390-010.

2. JAMES,

- 1. Resolution for General Plan Amendment GPA19-004 to change the General Plan land use designation of a 12.47± acre portion of a 37.00± acre parcel from Agricultural (AG) to Homestead Residential (HR).
- 2. Resolution for Agricultural Preserve Alteration AP20-001 to remove a 12.47± acre portion from Agricultural Preserve 74, which currently consists of 367.7± acres.
- 3. Ordinance for Zone Change RZ19-005 to rezone a 12.47± acre portion of a 37.00± acre parcel from AE-37:AIR (Exclusive Agricultural, Thirty Seven Acre Minimum:Airport Combining) to RE-3:AIR (Residential Estate, Three Acre Minimum:Airport Combining) and O:AIR (Open Space:Airport Cobming) under Title 17 of the Tuolumne County Ordinance Code (TCOC) as follows:

Proposed Zoning	Acreage
RE-3:AIR	10.93
O:AIR	1.54

The project site is located at 10130 State Highway 49, approximately 3,100± feet east of the intersection of State Highway 49 and Springfield Road. Within a portion of Sections 22 and 27, Township 2 North, Range 14 East, Mount Diablo Baseline and Meridian and within Supervisorial District 5. Assessor's Parcel Numbers 032-620-09 and 032-620-10.

3. BLIND BULL, LP,

- 1. Ordinance for Zone Change RZ19-013 to rezone a 40.1± acre parcel and a 19.9± portion of a 39.06± acre parcel from AE-37 (Exclusive Agricultural, Thirty-Seven Acre Minimum) to AE-37:AP (Exclusive Agricultural, Thirty-Seven Acre Minimum:Agricultural Preserve Combining) under Title 17 of the Tuolumne County Ordinance Code (TCOC).
- 2. Application for Williamson Act Contract WA19-006 to rescind an existing Williamson Act Contract 04WA-89 and enter into a new contract on a 180.88± acre site pursuant to Tuolumne County Resolution 106-04.

3. Approval of the new Agricultural Management Plan.

The project site is located at 22200, 22390, 22530, and 22448 Lyons Bald Mountain Road in Sonora. The project site is located within a portion of Sections 9 and 16, Township 2 North, Range 15 East, Mount Diablo Baseline and Meridian, and within Supervisorial District 4. Assessor's Parcel Numbers 085-050-02, 085-050-18, 085-050-19, 085-050-20, and 085-050-21.

4. KAHL,

1. Resolution for Agricultural Preserve Alteration AP14-001(1) to remove a 90.3± acre parcel from Agricultural Preserve No. 138, which currently consists of 367.7± acres.
2. Resolution for General Plan Amendment GPA14-006(1) to amend the General Plan land use designation of a 90.3± acre parcel from Agricultural (AG) to Large Lot Residential (LR).
3. Ordinance for Zone Change RZ14-016(1) to rezone the project site from AE-37 (Exclusive Agricultural, Thirty-Seven Acre Minimum) under Title 17 of the Tuolumne County Ordinance Code.
4. Vesting Tentative Subdivision Map T18-046 to divide the existing 90.3± acre parcel into 8 parcels.

The project site is located at 11247 Campo Seco Road, west of the intersection of Campbells Flat Road and Campo Seco Road and southeast of the community of Jamestown. A portion of Sections 11 and 12, Township 1 North, Range 14 East, Mount Diablo Baseline and Meridian. Assessor's Parcel Number 59-010-056. Supervisorial District 5.

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
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 533-5616 (Fax)
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www.tuolumnecounty.ca.gov

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 20, 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.

SURFACE/MINERAL

RIGHTS OWNER: David S. and Jody E. Rumsey, Gary Collins and Lucinda Wilson

APPLICANT: Land & Structure

DATE: April 10, 2020

PROJECT AND LOCATION

PROJECT

DESCRIPTION: Ordinance for Zone Change RZ19-011 to rezone a 350± square foot portion of a 4.22± acre parcel from RE-2 (Residential Estate, Two Acre Minimum) to RE-5 (Residential Estate, Five Acre Minimum) and a 24,519± square foot portion of a 6.02± acre parcel from RE-5 to RE-2 under Title 17 of the Tuolumne County Ordinance Code (TCOC).

LOCATION: The project site is located at 19448 and 19440 Rawhide Road, Jamestown. A portion of Section 4, Township 1 North, Range 14 East, Mount Diablo Baseline and Meridian and within Supervisorial District 5. Assessor's Parcel Numbers 058-390-018 and 058-390-010.

GENERAL PLAN: The project site is designated Estate Residential (ER) by the Tuolumne County General Plan land use diagrams. The Tuolumne County General Plan indicates that the RE-2 zoning district is compatible with the ER designation and the RE-5 zoning district is compatible with the 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 proposed zone change is being requested to facilitate a Lot Line Adjustment to adjust property lines between two legal parcels. The Lot Line Adjustment will result in the existing structures being located on the appropriate sides of the property boundaries. The 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 Lot Line Adjustment there will not be a significant change in the size of each parcel. Because both parcels contain a total of one single-family dwelling, only one additional single-family dwelling, not exceeding 1,200 square feet of living area, may be developed in the future. Currently, the project is not proposing any additional development. Therefore, it can be seen with certainty that the proposed project will not have a significant effect on the environment.

RECOMMENDATION

Community Development Department Staff recommends approval of Zone Change RZ19-011 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 10.32± acres. The project site is located at an approximate elevation range of 1,520-1,560 feet above mean sea level. The project site is fairly level, sloping at approximately 10% towards the south. Proposed Parcel "1" is developed with a 2,304± square foot single-family dwelling, a private sewage disposal system, a detached garage and a 450± square foot barn. Following approval of lot line adjustment, a second 480± square foot barn, which is currently located over the existing property boundary, will be completely within Parcel "1". Proposed Parcel "B" is developed with an 1,800± square foot single-family dwelling, a private sewage disposal system and a detached garage. The site is served by private wells and private sewage disposal systems.

Project Description

2. On October 22, 2019 an application was submitted to the Community Development Department for Zone Change RZ19-011. The proposed Zone Change will be used to facilitate a Lot Line Adjustment to adjust property lines between the two legal parcels. Approval of the Lot Line Adjustment, T19-044, will result in an increase in the size of Parcel "1" by 24,519 square feet for an adjusted parcel size to 4.75± acres. Parcel B will result in an increase of 350± square feet for an adjusted parcel size to 5.55± acres.
3. An application for Tentative Parcel Map T19-044 was originally submitted on October 22, 2019. The request was denied because the Lot Line Adjustment did not meet the requirements of Section 17.06.035 of the TCOC because it would have resulted in each parcel consisting of two primary zoning districts of RE-2 and RE-5. The applicant was notified that they would need to obtain a Zone Change to complete the Lot Line Adjustment. Therefore, the applicant applied for Zone Change RZ19-011.

General Plan

4. The 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 maximum building intensity under the ER designation is one dwelling unit per two acres. Additional units are possible through a density bonus for the provision of affordable housing or through State ADU legislation.
5. Following approval of the Lot Line Adjustment, Parcel "1" will contain one dwelling unit on a 4.75± acre parcel, in accordance with the allowable ER density. One additional single-family dwelling may be permitted on this parcel in accordance with the allowable ER density and State ADU legislation. Parcel "B" will contain one dwelling unit on a 4.70± acre parcel, in accordance with the allowable ER density. One additional single-family dwelling may be permitted on this parcel in accordance with the allowable ER density and State ADU

legislation.

6. Table 1.3 of the Community Development and Design Element of the General Plan indicates that the RE-2 zoning district is consistent with the ER designation. The General Plan states 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 RE-5 zoning district is a residential district that is less intensive than the ER designation, the RE-5 zoning is consistent with the ER designation. Following approval of Tentative Parcel Map 19T-044 all of Parcel "1" of the project site will contain RE-5 zoning and Parcel "B" will contain the RE-2 zoning. Both parcels will have the ER land use designation. The ER designation is consistent with parcels directly northwest and north of the project site and the ER designation is consistent with parcels directly east of the project site (Attachment 1).

Ordinance Code

7. The purpose of the RE-2 zoning district is to provide areas where persons may enjoy rural residential living while engaging in limited agricultural pursuits or maintaining livestock. Within the RE-2 zoning district, no parcel of real property shall be divided or reconfigured where any parcel 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 T19-044 indicates that Parcel "1" will be at least two gross acres and will be at least 100 feet in width at the front setback after the resubdivision (Attachment 3).
8. The maximum residential density in the RE-2 district is one dwelling unit per two acres. Additional units are possible for secondary units or through a density bonus for the provision of affordable housing. A secondary detached unit is permitted by State ADU legislation. Recent State ADU legislation allows for one additional detached single-family dwelling that is 1,200 square feet or smaller. Following approval of the resubdivision, proposed Parcel "1" will be developed with 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 "1" will also contain accessory structures and structures related to agriculture, which are permitted uses under the RE-2 zoning district. Therefore, the existing uses on site are consistent with the RE-2 zoning district (Attachment 2).
9. The purpose of the RE-5 zoning district is to provide a low density residential zoning classification offering country-estate type living conditions while maintaining large areas of open space dedicated to agricultural pursuits, grazing or left undisturbed. The RE-5 district is intended for areas where public services are limited. Within the RE-5 zoning district, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than five gross acres in area or less than two hundred feet in width at the front setback line. The exhibit map for T19-044 indicates that Parcel "B" will be at least five gross acres and will be at least 200 feet in width at the front setback after the resubdivision (Attachment 3).
10. The maximum residential density in the RE-5 district is one dwelling unit per five acres. Additional units are possible for secondary units or through a density bonus for the provision of affordable housing. A secondary detached unit is permitted by State ADU legislation. Recent State ADU legislation allows for one additional detached single-family dwelling that is 1,200 square feet or smaller. Following approval of the resubdivision, proposed Parcel "B" will be developed with 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" will also contain an accessory structure, which is a permitted use under the RE-5 zoning district. Therefore, the existing uses on site are consistent with

the RE-5 zoning district (Attachment 2).

Wildlife and Habitat

11. The Tuolumne County Wildlife Habitat Maps indicate that the residential park (rsp) and blue oak pine (bop) habitats are present on site. Vegetation on site includes gray pine, live oak, blue oak and annual grasses. The rsp habitat is considered a fourth priority habitat and the bop habitat is considered a third 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. Third priority habitats include common habitats that are of considerable value to wildlife.
12. The project is not proposing any new development. Approval of Zone Change RZ19-011 and Tentative Parcel Map T19-044 will not result in an increased number of parcels or an increased development potential on the site. The proposed zoning and General Plan land use designation allow for only one additional single-family dwelling to be developed on proposed Parcel "1". The zoning and General Plan would allow for only one additional single-family dwelling to be developed on proposed Parcel "B." Approval of the project will not result in impacts to wildlife therefore, no mitigation for cumulative impacts to wildlife is needed.
13. 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. The project site contains oak woodland habitat on the northwestern portion of the site, but because no development is proposed, there would be no removal of oak woodland, and mitigation is not required.
14. 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 indicate that the special status plant the Tuolumne button-celery (*Eryngium pinnatisectum*) has been known to occur within the vicinity of the project site. The Tuolumne button-celery is found in wet, shaded woodlands. The project site does not contain wet woodlands or dense tree cover to provide habitat for the Tuolumne button-celery. Therefore, there will be no impact to habitat for the Tuolumne button-celery. The CNDDDB maps indicate that the special status animal species, Grady's cave amphipod (*Stygobromus gradyi*), has been known to occur within the vicinity of the project site. Grady's cave amphipod may be found springs and caves. The project site does not contain this type of habitat, therefore, there will be no impact to the Grady's cave amphipod.

Cultural Resources

15. 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. No cultural resource indicators were

found on the project site during a site inspection by staff. 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 are located on the site. Additionally, no new development is proposed and no impacts to cultural resources are anticipated. Therefore, a cultural resource study was not required for the proposed project.

Adjoiner Comments

16. The Community Development Department notified adjoining property owners within 1,000 feet of the proposed project via mail. Notices were sent November 15, 2019 to the owners of 32 adjoining parcels. The Community Development Department did not receive any response letters.

Advisory Agency Review

17. The application for Zone Change RZ19-011 has been reviewed by several State and County agencies. The Tuolumne County Fire Prevention Division, the Building and Safety Division and the Engineering Division commented that they had no conditions for the project as proposed. No other substantial comments were received.

Zone Change Findings

18. 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.

Consistency with the General Plan is discussed and demonstrated in #4, #5 and #6 above in this report.

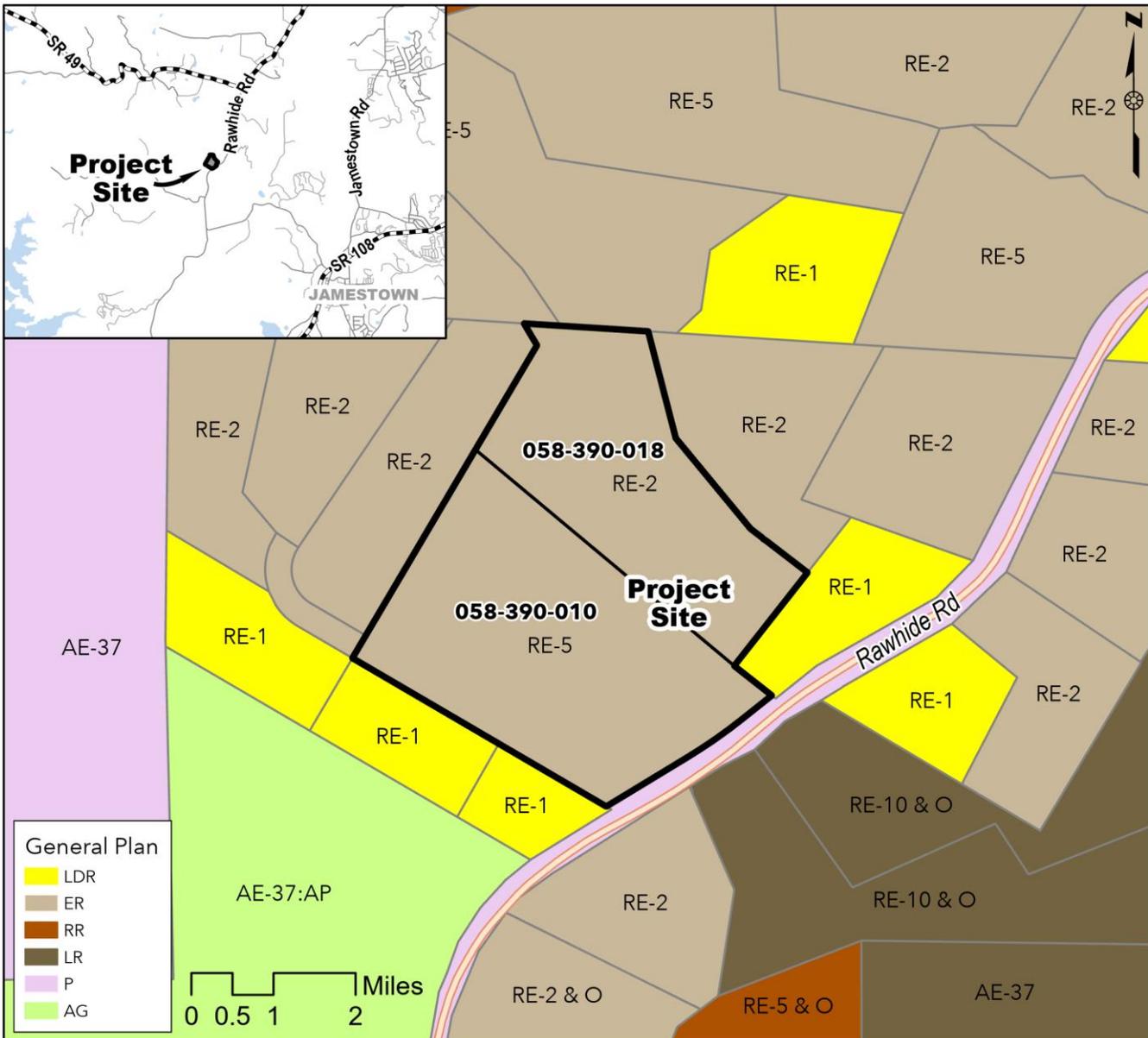
B. The proposed Zone Change is in accordance with the Tuolumne County Ordinance Code.

Consistency with the Tuolumne County Ordinance Code is discussed and demonstrated in #7, #8, #9 and #10 above in this report.

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

The existing uses on the site are consistent with the proposed RE-2 and RE-5 zoning districts. See #6 and #8 above in this report for more information.

PREPARED BY: Terrilyn Turner, Land Use Technician



Project: RZ19-011

Owner: David S. and Jody E. Rumsey, Gary Collins and Lucinda Wilson

Applicant: Land & Structure

APNs: 058-390-010 & 058-390-018

10.24±Ac.

Current Zoning: RE-2 & RE-5

Current General Plan Designation: ER

Project Description:

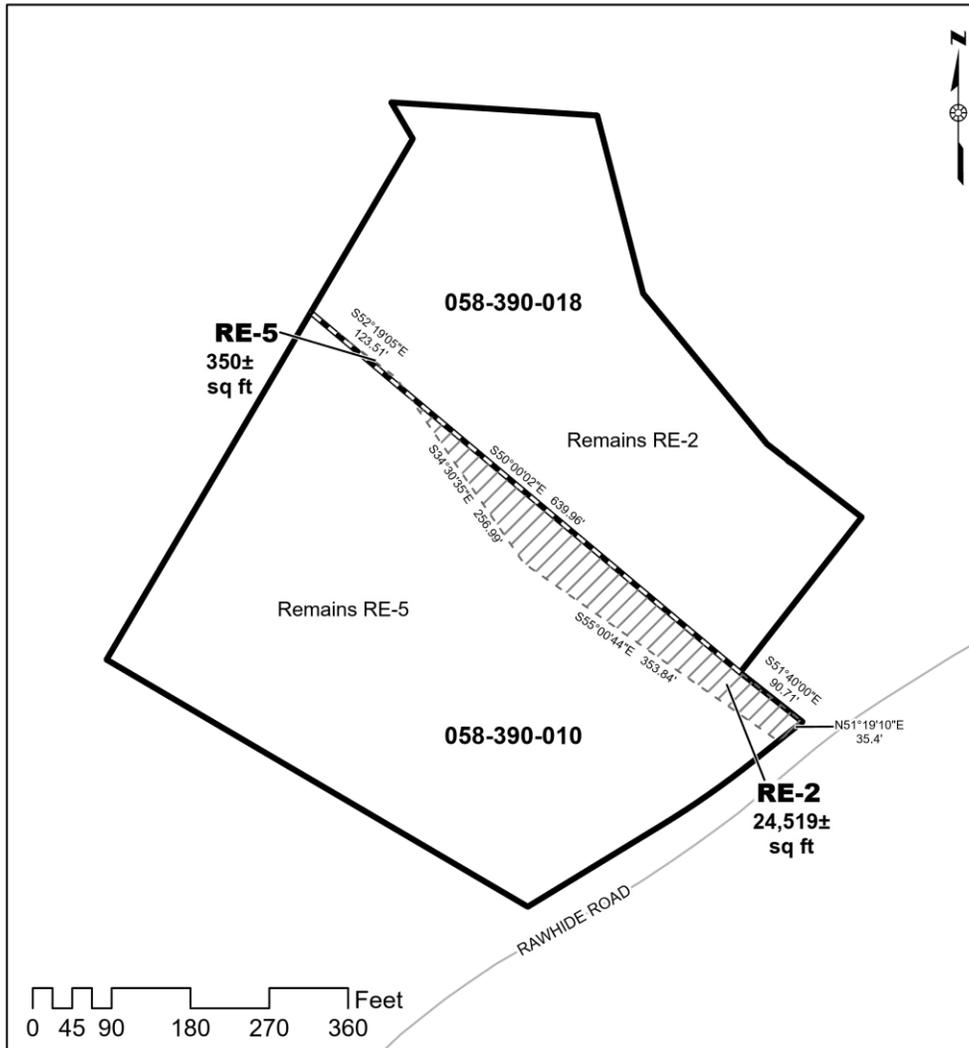
--Ordinance for Zone Change RZ19-011 to rezone a 350± square foot portion of a 4.22± acre parcel from RE-2

(Residential Estate, Two Acre Minimum) to RE-5 (Residential Estate, Five Acre Minimum) and a 24,519± square foot portion of a 6.02± acre parcel from RE-5 to RE-2

Supervisory District No. 5

Attachment 2: Ordinance Map

Exhibit "A"



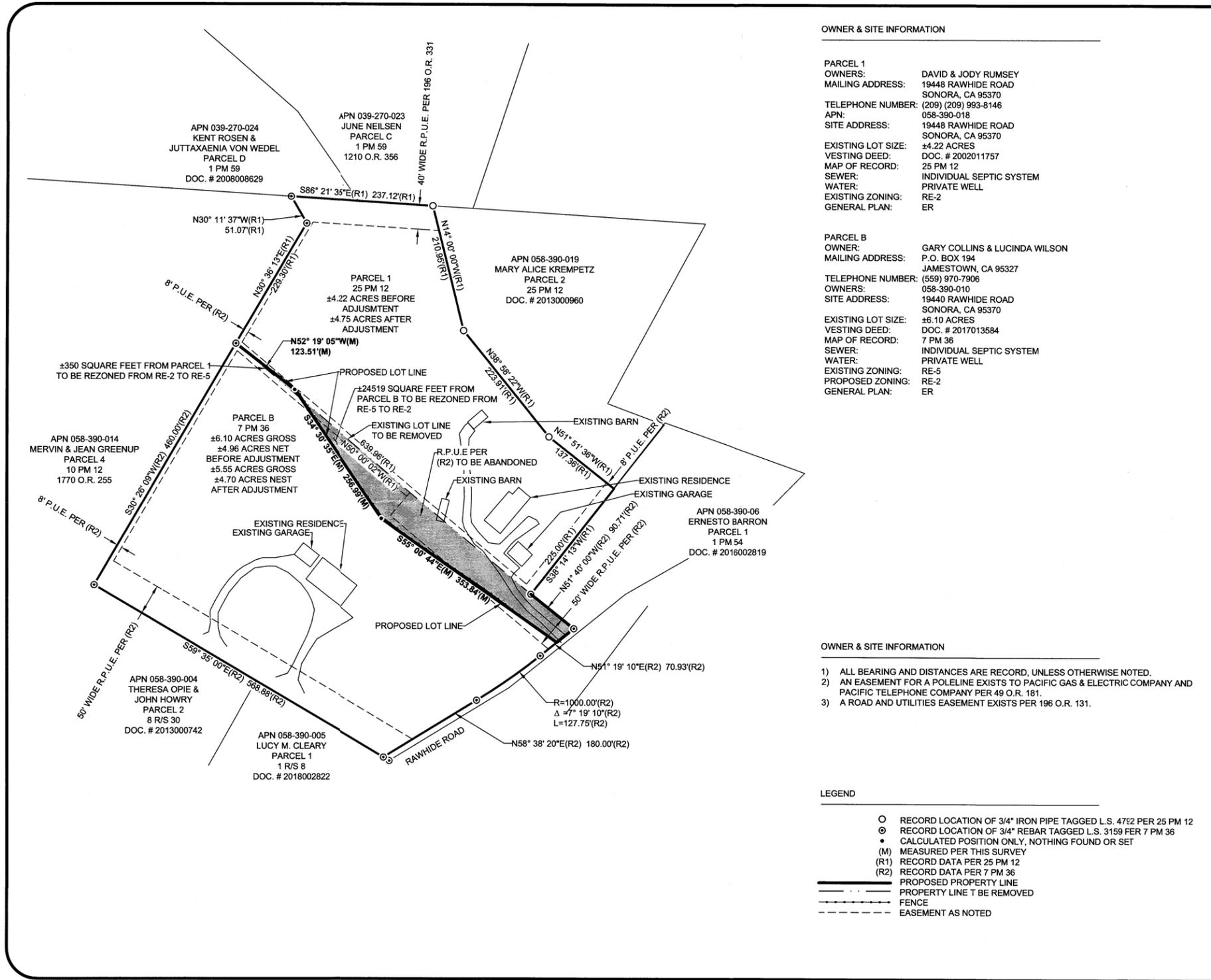
APN: 058-390-010

PARCEL B, as shown and designated on that certain Parcel Map filed in the Office of the County Recorder of Tuolumne County, California on January 27, 1975 in Book 7 of Parcel Maps at Page 36, Tuolumne County Records.

APN: 058-390-018

PARCEL 1, as shown and designated on that certain Parcel Map filed in the Office of the County Recorder of Tuolumne County, California on June 4, 1987 in Book 25 of Parcel Maps at Page 12, Tuolumne County Records.

Attachment 3: Lot Line Adjustment Exhibit Map



OWNER & SITE INFORMATION

PARCEL 1
OWNERS: DAVID & JODY RUMSEY
MAILING ADDRESS: 19448 RAWHIDE ROAD SONORA, CA 95370
TELEPHONE NUMBER: (209) (209) 993-8146
APN: 058-390-018
SITE ADDRESS: 19448 RAWHIDE ROAD SONORA, CA 95370
EXISTING LOT SIZE: ±4.22 ACRES
VESTING DEED: DOC. # 2002011757
MAP OF RECORD: 25 PM 12
SEWER: INDIVIDUAL SEPTIC SYSTEM
WATER: PRIVATE WELL
EXISTING ZONING: RE-2
GENERAL PLAN: ER

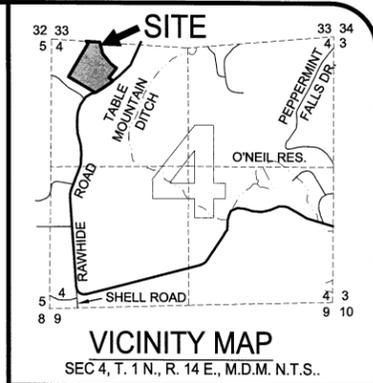
PARCEL B
OWNER: GARY COLLINS & LUCINDA WILSON
MAILING ADDRESS: P.O. BOX 194 JAMESTOWN, CA 95327
TELEPHONE NUMBER: (559) 970-7906
OWNERS: 058-390-010
SITE ADDRESS: 19440 RAWHIDE ROAD SONORA, CA 95370
EXISTING LOT SIZE: ±6.10 ACRES
VESTING DEED: DOC. # 2017013584
MAP OF RECORD: 7 PM 36
SEWER: INDIVIDUAL SEPTIC SYSTEM
WATER: PRIVATE WELL
EXISTING ZONING: RE-5
PROPOSED ZONING: RE-2
GENERAL PLAN: ER

OWNER & SITE INFORMATION

- 1) ALL BEARING AND DISTANCES ARE RECORD, UNLESS OTHERWISE NOTED.
- 2) AN EASEMENT FOR A POLELINE EXISTS TO PACIFIC GAS & ELECTRIC COMPANY AND PACIFIC TELEPHONE COMPANY PER 49 O.R. 181.
- 3) A ROAD AND UTILITIES EASEMENT EXISTS PER 196 O.R. 131.

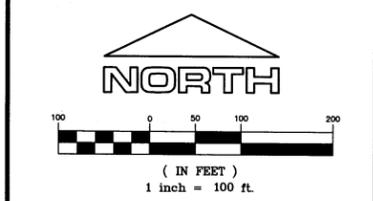
LEGEND

- RECORD LOCATION OF 3/4" IRON PIPE TAGGED L.S. 4752 PER 25 PM 12
- RECORD LOCATION OF 3/4" REBAR TAGGED L.S. 3159 PER 7 PM 36
- CALCULATED POSITION ONLY, NOTHING FOUND OR SET
- (M) MEASURED PER THIS SURVEY
- (R1) RECORD DATA PER 25 PM 12
- (R2) RECORD DATA PER 7 PM 36
- PROPOSED PROPERTY LINE
- PROPERTY LINE TO BE REMOVED
- FENCE
- - - - - EASEMENT AS NOTED

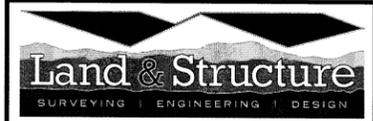


RICHARD H. JAMES
P.L.S. 8550

10/21/19 DATE



JOB NO.:	DRAWN BY:	DRAWING NAME:	DATE:
---	BTD	EXHIBIT	10/21/2019



105 SOUTH STEWART STREET, SONORA, CA., 95370
T: 209.532.5173 F: 209.532.5220

EXHIBIT MAP AND ZONE CHAGE PLAT

BEING A LOT LINE ADJUSTMENT BETWEEN PARCEL 1 AS SHOWN IN BOOK 25 OF PARCEL MAPS AT PAGE 12 AND PARCEL B AS SHOWN IN BOOK 7 OF PARCEL MAPS AT PAGE 36, ALL ON FILE IN THE OFFICE OF THE TUOLUMNE COUNTY RECORDER, AND A ZONE CHANGE OF A PORTION OF PARCEL B AND A PORTION OF PARCEL 1, LYING WITHIN A PORTION OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 14 EAST, MOUNT DIABLO MERIDIAN, IN THE UNINCORPORATED AREA OF TUOLUMNE COUNTY, STATE OF CALIFORNIA.



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: Zone Change RZ19-011

PROJECT PROPONENT: David S. and Jody E. Rumsey, Gary Collins and Lucinda Wilson

LOCATION: 19448 and 19440 Rawhide Road, Jamestown. A portion of Section 4, Township 1 North, Range 14 East, Mount Diablo Baseline and Meridian and within Supervisorial District 5. Assessor's Parcel Numbers 058-390-018 and 058-390-010.

PROJECT DESCRIPTION: Ordinance for Zone Change RZ19-011 to rezone a 350± square foot portion of a 4.22± acre parcel from RE-2 (Residential Estate, Two Acre Minimum) to RE-5 (Residential Estate, Five Acre Minimum) and a 24,519± square foot portion of a 6.02± acre parcel from RE-5 to RE-2 under Title 17 of the Tuolumne County Ordinance Code (TCOC).

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))
- Categorical 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 proposed Zone Change will not result in an increase in the number of parcels or an increased development potential of the site. Currently, there are two legal parcels which are able to be developed each with a primary single-family dwelling and an accessory dwelling unit (ADU) permitted by State law. Following approval of the project, there is still a potential for a total of four single-family dwellings on the project site. Additionally, the project is not proposing any new development at this time. No unusual circumstances exist on the project site. 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: _____

Date: _____

Quincy Yaley, AICP
Environmental Coordinator

SURFACE/MINERAL

RIGHTS OWNER: Paralee James

APPLICANT: Land and Structure

DATE: April 16, 2020

PROJECT AND LOCATION

PROJECT

DESCRIPTION:

1. Resolution for General Plan Amendment GPA19-004 to change the General Plan land use designation of a 12.47± acre portion of a 37.00± acre parcel from Agricultural (AG) to Homestead Residential (HR).
2. Resolution for Agricultural Preserve Alteration AP20-001 to remove a 12.47± acre portion from Agricultural Preserve 74, which currently consists of 367.7± acres.
3. Ordinance for Zone Change RZ19-005 to rezone a 12.47± acre portion of a 37.00± acre parcel from AE-37:AIR (Exclusive Agricultural, Thirty Seven Acre Minimum:Airport Combining) to RE-3:AIR (Residential Estate, Three Acre Minimum:Airport Combining) and O:AIR (Open Space:Airport Combining) under Title 17 of the Tuolumne County Ordinance Code (TCOC) as follows:

Proposed Zoning	Acreage
RE-3:AIR	10.93
O:AIR	1.54

LOCATION:

The project site is located at 10130 State Highway 49, approximately 3,100± feet east of the intersection of State Highway 49 and Springfield Road. Within a portion of Sections 22 and 27, Township 2 North, Range 14 East, Mount Diablo Baseline and Meridian and within Supervisorial District 5. Assessor’s Parcel Numbers 032-620-09 and 032-620-10.

GENERAL PLAN:

The project site is designated Agricultural (AG) by the Tuolumne County General Plan land use diagrams. The Tuolumne County General Plan indicates that the existing AE-37 zoning district is compatible with the AG designation and the proposed RE-3 zoning district is compatible with the proposed Homestead Residential (HR) designation. Open Space zoning and combining districts are compatible will all General Plan Designations.

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, Agricultural Preserve Alteration, and Zone Change of a 12.47± acre portion of the site are proposed to facilitate a resubdivision to adjust property lines between two

legal parcels. The resubdivision is ministerial project as defined in Section 15369 of the *State CEQA Guidelines*. Ministerial projects are statutorily exempt from review under CEQA pursuant to Section 15268 of the *State CEQA Guidelines*.

The proposed project will increase the residential development by one single-family dwelling, which a Conditional Use Permit would be required for. Additionally, the project is not proposing any development. The Agricultural Preserve Alteration will remove the 12.47± acre portion from the Agricultural Preserve which would not impact the agricultural uses on surrounding parcels. 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 GPA19-004 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 Agricultural Preserve Alteration AP20-001 based upon the following findings:
 - A. The project is consistent with the Tuolumne County General Plan.
 - B. The project is in accordance with Tuolumne County Resolution 106-04.
 - C. The project is in accordance with Section 51200 et seq. of the California Government Code regarding agricultural land.
 - 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*.
3. Community Development Department Staff recommends approval of Zone Change RZ19-005 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 130.95± acres. Assessor's Parcel Number 032-620-09 is currently undeveloped, and Assessor's Parcel Number 032-620-10 is developed with two single-family dwellings, a detached garage, shed, private sewage disposal systems, wells, and accessory structures. A pond is located on APN 032-620-009, which is used for agricultural purposes. An intermittent stream flows from the location of the pond in a southerly direction off the project site. Elevations on the site range from approximately 1,800 feet above mean sea level near the southern portion to approximately 2,030 feet above mean sea level in the northern portion. Slopes range from approximately 10% in the southern portion of the project site to approximately 25% in the northern portion. The project site has previously been utilized for a dry land grazing contract within the Williamson Act Land Conservation program. The project site is within Agricultural Preserve 74. The project site is no longer enrolled in the Williamson Act Land Conservation program as of January 1, 2018. The project site is within the Columbia Community Plan.

Project Description

2. On April 22, 2019 an application was submitted for the following:
 - General Plan Amendment GPA19-004 to amend the General Plan land use designation of a 12.47± acre portion from AG to HR
 - Zone Change RZ19-005 a 12.47± acre portion from AE-37:AIR to RE-3:AIR

The proposed General Plan Amendment and Zone Change are being requested to facilitate a resubdivision to adjust property lines between the two legal parcels. Following approval of the resubdivision, there will be two parcels of 12.47± acres and 118.48± acres. The 118.48± acre parcel will retain the AG General Plan land use designation and the AE-37:AIR zoning.

3. Agricultural Preserve Alteration AP20-001 proposes the removal of 12.47± acres of the project site from Agricultural Preserve 74. Following approval of the General Plan Amendment and Zone Change, the 12.47± acre portion would not contain the AG General Plan land use designation or the AE-37 zoning and would therefore not be consistent with the County's requirements for inclusion within an Agricultural Preserve. Therefore, the applicant applied for Agricultural Preserve Alteration AP20-001.

General Plan

4. The General Plan land use designation of the project site is Agricultural (AG). The AG designation provides for the production of food, feed, fiber, nursery, and apiary commodities. The project site is utilized for cattle grazing, which is consistent with the AG General Plan land use designation. Following approval of the General Plan Amendment, Zone Change, and resubdivision, the 118.48± acre parcel will retain the AG General Plan land use designation and the AE-37:AIR zoning district. Table 1.3 of the 2018 Tuolumne County General Plan indicates that the AG General Plan designation is consistent with the AE-37 zoning district. The 118.48± acre portion will remain in Agricultural Preserve 74 and will allow for future agricultural uses.

5. The project proposes to amend a 12.47± acre portion of the site from AG to HR. The HR designation provides country-estate type living conditions while maintaining areas of open space dedicated to agricultural pursuits, grazing, or left undisturbed. This designation is intended to comply with the density restrictions of the Airport Land Use Compatibility Plan. The minimum parcel size in the HR designation is three gross acres, which the proposed parcel will meet. The maximum density in the HR designation is one dwelling unit per three acres, with additional possible for Accessory Dwelling Units under 1,200 square feet. The project site is currently developed with two single-family dwellings, one of which is less than 1,200 square feet. This is consistent with the density restrictions of the HR designation. Table 1.3 of the 2018 Tuolumne County General Plan indicates that the HR General Plan designation is consistent with the proposed RE-3 zoning district. The proposed HR designation is consistent with parcels directly west of the project site (Attachment 1).
6. The project site contains the Airport (-AIR) Overlay General Plan land use designation. The -AIR overlay provides for the orderly development of land surrounding the public use airports within the County to the extent that these areas are not already devoted to incompatible uses. Table 1.3 of the 2018 Tuolumne County General Plan indicates that General Plan overlay designations are consistent with all zoning districts. Development within this designation must comply with the Tuolumne County Land Use Compatibility Plan. The proposed project was reviewed by the Airport Land Use Commission (ALUC) where they determined that it was consistent with the Airport Land Use Compatibility Plan. See the Airport Land Use Section and #12 below in this report for additional information.

Columbia Community Plan

7. The project site is located within the area that is subject to the Columbia Community Plan. Many of the goals, policies, and implementation programs are centered around development projects and do not apply to the current project. However, the following goal, policies, and implementation programs of the Columbia Community Plan pertain to this project:

Goal CB-E:

Conserve the natural and cultural resources of the Columbia Community

The applicant is proposing to rezone approximately 1.54± acres of the project site to Open Space to protect oak woodland habitat on site. A cultural resource study was conducted on the project site, which concluded that there will be no impact to significant cultural resources.

Policy CB-E.1:

Protect outstanding scenic and historic resources, including hillsides and hilltops, which contribute to the visual quality and rural character of the Columbia Community.

The proposed 1.54± acres of Open Space will protect oak woodland habitat located on the topmost portion of the project site, which may be visible from the highway. This area will be unable to be developed due to the restrictions of the Open Space zoning district.

Policy CB-E.7:

Evaluate all historic buildings, significant archaeological sites, and other community landmarks that provide a tie with the past and, where appropriate, preserve and/or monument the significance of these resources.

A cultural resource study was conducted by Patrick GIS Group, Inc. The study identified a historic era ranch complex and segments of a ditch and pipe system located within the

project. The resources were determined to be ineligible for listing and therefore were determined not to be significant. Therefore, no further mitigation was recommended. See #19 below in this report for additional information.

Ordinance Code

8. The purpose of AE-37 zoning district is to provide for agricultural and resource production where commercial agricultural uses can exist without encroachment of incompatible uses and provide for the preservation and conservation of working landscapes and open space. The proposed project will not impact the potential of the parcel to be utilized for agricultural purposes. The minimum parcel size in the AE-37 zoning district is 37 gross acres. The parcel retaining the AE-37 zoning district will be 118.48± acres.
9. The maximum residential density in the AE-37 zoning district is two dwelling units per 37 acres. One single-family dwelling is permitted in the AE-37 zoning district and a second single-family dwelling is permitted if the parcel is 37 acres or larger. Additional units, 37 acres per unit maximum density, are permitted if a Conditional Use Permit is first secured. Currently, Parcel B is 93.95± acres. Therefore, this parcel can be developed with a maximum of 3 single-family dwelling. Two of those are permitted, and the third single-family dwelling would require securement of a Conditional Use Permit. Following approval of the project, Parcel B will be 118.48± acres in size. The parcel would be able to be developed with a maximum of 4 single-family dwellings. Two would be permitted and the third and fourth single-family dwellings would require securing a Conditional Use Permit. There is no increase in the residential density potential for Parcel C. Approval of the project would only increase the residential potential of the project site by one single-family dwelling, which would require a Conditional Use Permit. See Table 1 below for additional information.
10. The purpose of the RE-3 zoning district is to provide areas where persons may enjoy country estate type living while engaged in limited agricultural pursuits or maintaining livestock. The RE-3 district, being lower in population density than the RE-2 district, is consistent with the density standards of the Tuolumne County Airport Land Use Compatibility Plan for compatibility zones B2 and C. The project site is within Zones B2 and C of the Columbia Airport and is therefore consistent with the proposed RE-3 zoning. The minimum parcel size in the RE-3 zoning district is three gross acres and 100 feet in width at the front setback line. Proposed Parcel C meets the minimum size requirements.
11. The maximum residential density in the RE-3 district is one dwelling unit per three acres. A secondary Accessory Dwelling Unit under 1,200 square feet is also permitted. The portion of the project site that will contain the RE-3 zoning is currently developed with two single-family dwellings, one of which is less than 1,200 square feet. Therefore, no additional single-family dwellings would be able to be developed in the future. See Table 1 below for additional information.

Table 1: Site Conditions

Parcel	Existing Size (acres)	Size Following Resub (acres)	Existing Zoning/GP	Proposed Zoning/GP	Existing Maximum Residential Density	Maximum Residential Density Following Approval
B	93.95	118.48	AE-37:AIR/AG	AE-37:AIR/AG	3 SFDs (2 permitted, 1 conditional use)	4 SFDs (2 permitted, 2 conditional use)
C	37.00	12.47	AE-37:AIR/AG	RE-3:AIR/HR	2 SFDs	2 SFDs

12. The purpose of the :AIR district is to protect public health, safety, and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around airports; to implement the policies of the Tuolumne County Airport Land Use Compatibility Plan; and to inform property owners and prospective purchasers of property within areas around airports of the proximity of the airport and aircraft use associate with the airport and that land development must comply with the Tuolumne County Airport Land Use Compatibility Plan. This project was referred to the ALUC as required by Section 18.24.040 of the TCOC and Policy 2.1.5.1 of the Tuolumne County Airport Land Use Compatibility Plan. See the Airport Land Use Section below for additional information.

13. The applicant is proposing to rezone 1.54± acres of the project site to Open Space to preserve oak woodland habitat. The purpose of the Open Space zoning district is to protect the public in areas not suitable for development because of flooding or other natural hazards and to provide areas of open space for the protection of wildlife habitat and scenic quality where vegetation removal may be appropriate in certain instances or for the preservation of cultural resources. Vegetation removal is permitted within the Open Space to allow the removal of dead and dying vegetation and to allow brush clearing for fire hazard reduction purposes. The applicant will also be permitted to maintain the area under the existing power line which runs through a portion of the proposed Open Space and the continued use of livestock grazing will be allowed within the Open Space, in accordance with Section 17.14.020(A) of the TCOC.

Agricultural Advisory Committee

14. This project was considered by the Agricultural Advisory Committee on August 15, 2019 because the project entails the conversion of 12.47± acres of Agricultural land. Implementation Program 8.A.d of the Agricultural Element of the 2018 General Plan requires the applicant to purchase agricultural conservation land at a 1:1 ratio (acres preserved: acres converted) to mitigate the conversion of agricultural land. However, the Agricultural Advisory Committee advised that Implementation Program 8.A.d is not applicable to the project because the project site does not qualify as High-Value Agricultural Land and it is not identified as important farmland by the most recent NRCS soils data. The Agricultural Advisory Committee unanimously recommended approval of the project with no requirement for purchasing agricultural conservation land.

15. The project was brought before the Agricultural Advisory Committee again on March 19, 2020. The project site is currently within Agricultural Preserve 74. The Agricultural Advisory committee reviewed the proposal for AP20-001 to remove the 12.47± acre portion out of Ag Preserve 74 because this portion would no longer contain the AG General Plan land use designation or AE-37 zoning. Agricultural Preserves must be a minimum of 100 acres in

size, and Agricultural Preserve would be 192.3± acres in size following the removal of 12.47± acres. The Agricultural Advisory Committee recommended approval of AP20-001 to remove 12.47± acres from Agricultural Preserve 74 and determined that the project was consistent with Tuolumne County Resolution 106-04 and Section 51200 et seq. of the California Government Code regarding agricultural land.

Wildlife and Habitat

16. The Tuolumne County Wildlife Habitat Maps indicate that the annual grassland (ags), residential park (rsp), blue oak pine (bop), and valley oak woodland (VOW) habitats are present on site. Vegetation on site includes valley oak, blue oak, live oak, gray pine, blackberry, poplar, willow, and ornamental landscaping. The applicant is proposing 1.54± acres of Open Space zoning protecting oak woodland habitat on site. Staff determined that the proposed area of Open Space would protect the most valuable habitat on site. The area of the proposed open space has been undisturbed by previous development and contains oak woodland habitat.

The project site contains an ephemeral drainage on site. However, this area has been heavily disturbed by past developments, including road crossings and structures built adjacent to the drainage. Additionally, the drainage appears to be manmade as if flows from the developed livestock pond on site. The applicant is proposing a drainage protection area to encompass the drainage. Staff determined that because this area has been heavily disturbed, the highest value of wildlife habitat is the oak woodland habitat proposed to be rezoned to Open Space.

17. 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. The project site contains oak woodland. The applicant is proposing 1.54± acres of Open Space zoning to protect the oak woodland habitat on site. No development is proposed, and no trees will be removed as a result of the proposed project.
18. 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 indicate that there are no special status plant or animal species known to occur within the vicinity of the project site.

Cultural Resources

19. A cultural resource study entitled *Cultural Resource Study and Evaluation of 10130 Hwy 49, Sonora, California* was prepared by Patrick GIS Group, Inc. The Central California Information Center (CCaIC) responded to a records search request on October 17, 2019. The search identified 3 previous studies conducted within a ¼ mile radius of the project site. Eleven previously identified resources were identified within a ¼ mile radius of the project site, none of which were within the bounds of the project site. Archeological field studies were conducted on the project site in November 2019. The field survey identified a historic-era ranch complex, which included two single-family residences, accessory outbuildings, a stock pond, and a modified drainage. Additionally, three segments of a ditch and pipe system were identified within the project site. None of the identified resources were considered eligible for listing. Therefore, none of the resources are considered significant and no further mitigation was recommended.

Airport Land Use

20. The site is located within compatibility zones C and B2 of the Columbia Airport. The proposed General Plan Amendment and Zone Change will take place within the area that is within zone B2 of the Columbia Airport. The maximum residential density in zones B2 and C is one single-family dwelling per 3 acres. The 12.47± acre parcel will contain 2 single-family dwellings following approval of the project. The proposed Zone Change to RE-3 is consistent with the density restrictions of zones B2 and C.
21. Section 18.24.040 of the TCOC and Policy 2.1.5.1 of the Tuolumne County Airport Land Use Compatibility Plan require that General Plan Amendments within an airport influence area be referred to the ALUC. The project was considered by the ALUC on August 1, 2019. The ALUC recommended approval of the proposed project and determined that the proposed General Plan Amendment and Zone Change are consistent with the Tuolumne County Airport Land Use Compatibility Plan.

Native American Consultation

22. 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.
23. Letters offering the opportunity to consult regarding General Plan Amendment GPA19-004 Agricultural Preserve Alteration AP20-001, and Zone Change RZ19-005 were sent to both of these tribes on June 6, 2019. A second letter was mailed on April 17, 2020, 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 either of the tribes.

Adjoiner Comments

24. Adjoining property owners within 1,000 feet of the proposed project were notified via mail. Notices were sent on May 8, 2019 to the owners of 52 parcels, and no responses were received.

Advisory Agency Review

25. The proposed project has been reviewed by several State and County agencies. The Building and Safety Division of the CDD advised that Building Permits would be required for any future structures and that the hours of construction of future development shall be limited to 7:00 a.m. to 7:00 p.m. and shall not occur on Sundays or County holidays. The California Department of Transportation (Caltrans) reviewed the proposed project and advised that if future development were proposed on APN 032-620-09, the development would need to assess the impact to State Route 49. Caltrans requested to be notified of any future development on the project site. No other substantial comments were received.

General Plan Amendment Findings

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

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

Consistency with the Tuolumne County General Plan is discussed and demonstrated in #4, #5, #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 #5 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 proposed HR designation is consistent with parcels directly west of the project site. See #5 above in this report for additional information.

Agricultural Preserve Alteration Findings

27. Evidence and Staff's response to each of the required findings for the Agricultural Preserve Alteration application are discussed below.

A. *The proposed Agricultural Preserve Alteration is consistent with the Tuolumne County General Plan.*

Consistency with the Tuolumne County General Plan is discussed and demonstrated in #4, #5, #6, and #7 above in this report

B. *The Proposed Agricultural Preserve Alteration is in accordance with Tuolumne County Resolution 106-04.*

The project was reviewed by the Agricultural Advisory Committee on August 15, 2019 and March 19, 2020 where the project was determined to be in accordance with Tuolumne County Resolution 106-04. See #14 and #15 above in this report for additional information.

C. *The Proposed Agricultural Preserve Alteration is in accordance with Section 51200 et seq. of the California Government Code regarding agricultural land.*

The project was reviewed by the Agricultural Advisory Committee on August 15, 2019 and March 19, 2020 where the project was determined to be in accordance with Section 51200 et seq. of the California Government Code regarding agricultural land. See #14 and #15 above in this report for additional information.

Zone Change Findings

28. 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.

Consistency with the General Plan is discussed and demonstrated in #4, #5, #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, #9, #10, #11, #12, and #13 above in this report.

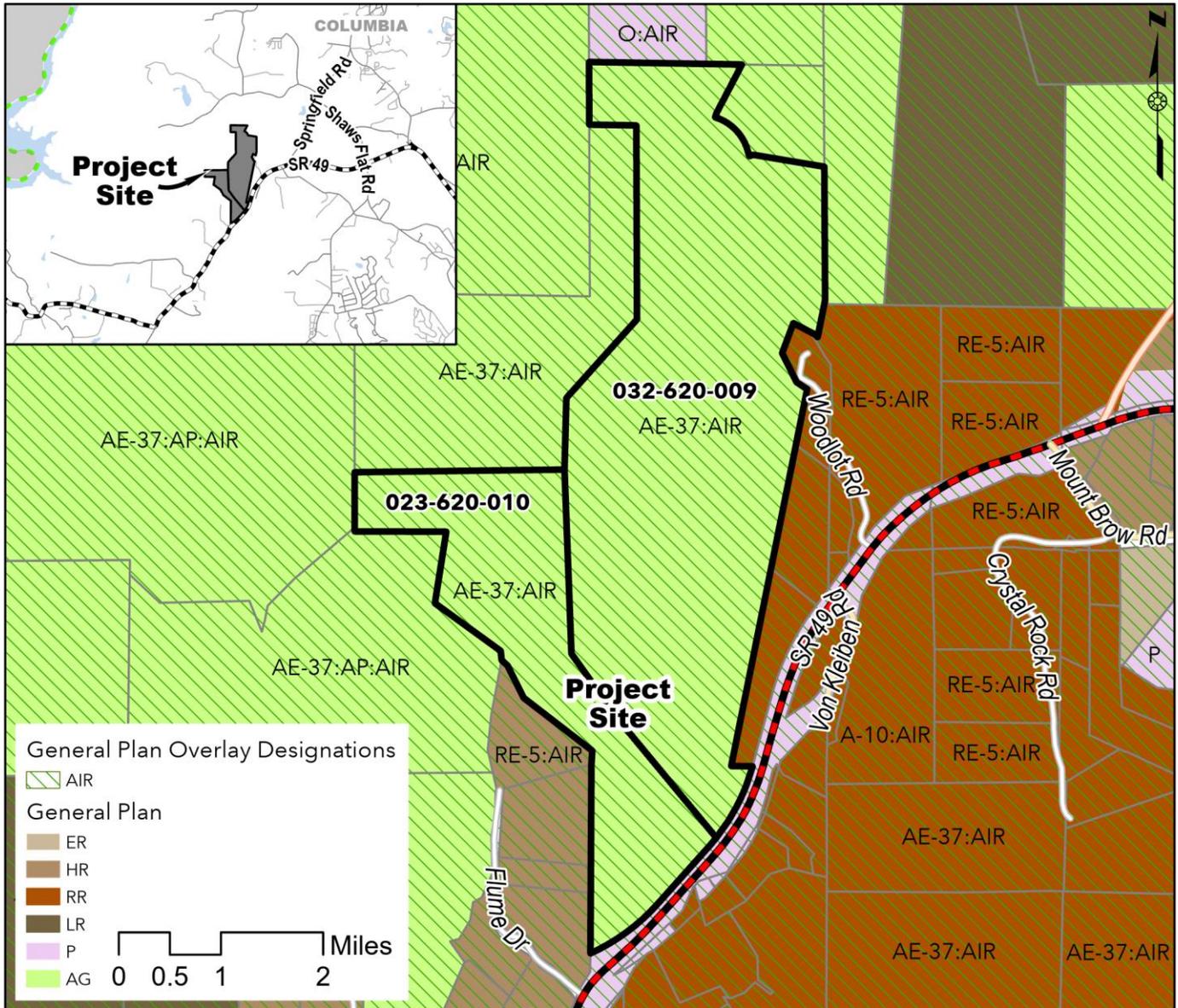
C. The project site is suited to the uses permitted under the proposed zoning district.

The existing uses on the site are consistent with the proposed RE-3 zoning district. See #10 and #11 above in this report for additional information.

PREPARED BY: Natalie Rizzi, Land Use Coordinator

S:\Planning\PROJECTS\General Plan Amendment\2019\GPA19-004 James (RZ19-005)\Agenda Report - James.doc

Attachment 1: Agenda Map



Projects: GPA19-004, AP20-001, & RZ19-005

Owner: Paralee James

Applicant: Land & Structure

APNs: 032-620-009 & 032-620-010

404.7±Ac.

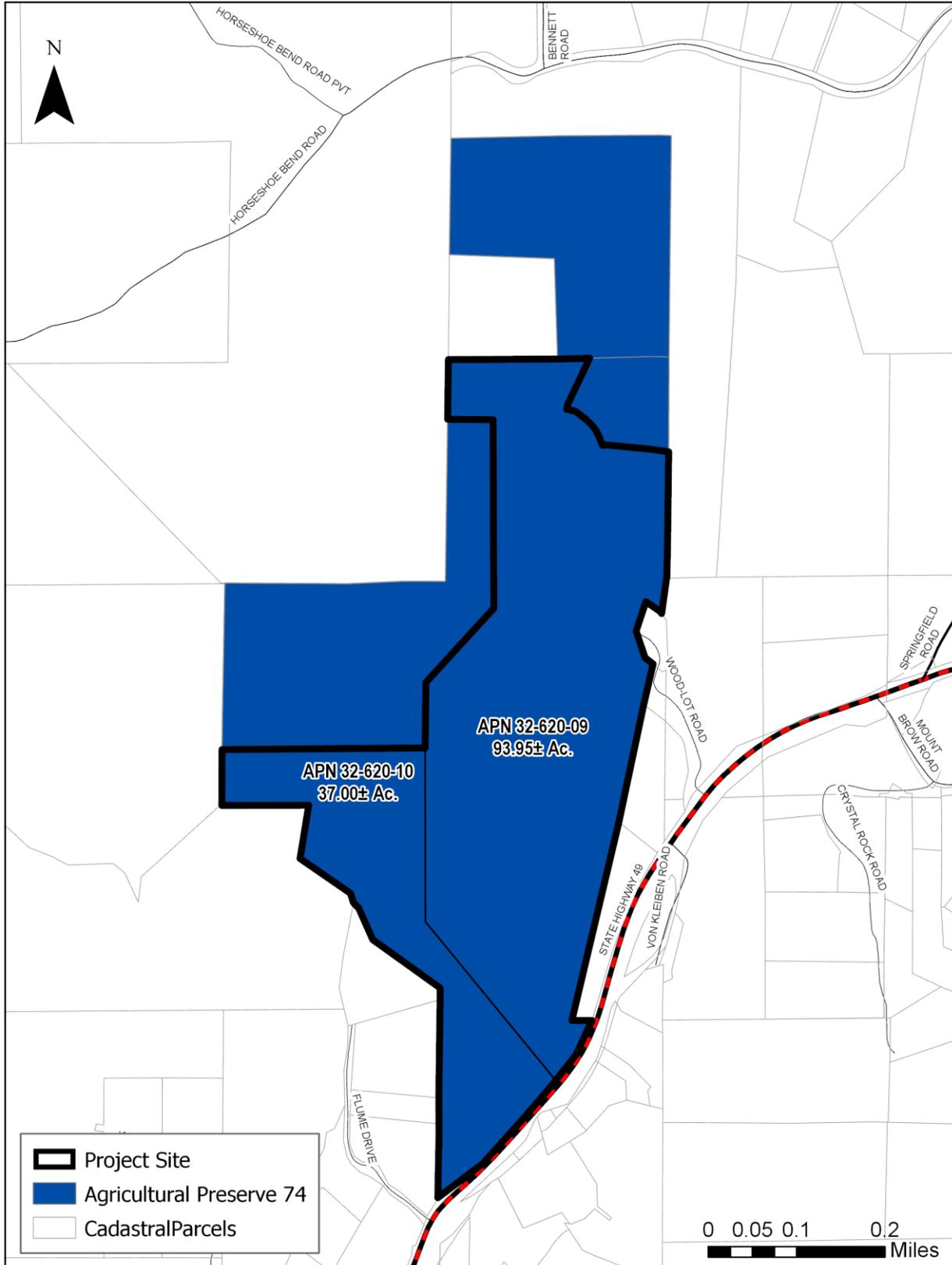
Current Zoning: AE-37:AIR

Current General Plan Designation: AG

Project Description:

- Resolution for General Plan Amendment GPA19-004 to change the General Plan land use designation of a 12.47± acre portion of a 37.00± acre parcel from Agricultural (AG) to Homestead Residential (HR)
- Resolution for Agricultural Preserve Alteration AP20-001 to remove a 12.47± acre portion from Agricultural Preserve 74
- Ordinance for Zone Change RZ19-005 to rezone a 12.47± acre portion of a 37.00± acre parcel from AE-37:AIR to RE-3:AIR and O

Supervisorial District No. 5





OFFICE OF ENVIRONMENTAL COORDINATOR

QUINCY YALEY, AICIP
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 GPA19-004 and Zone Change RZ19-005

PROJECT PROPONENT: Paralee James

LOCATION: The project site is located at 10130 State Highway 49, approximately 3,100± feet east of the intersection of State Highway 49 and Springfield Road. Within a portion of Sections 22 and 27, Township 2 North, Range 14 East, Mount Diablo Baseline and Meridian and within Supervisorial District 5. Assessor's Parcel Numbers 032-620-09 and 032-620-10.

COUNTY: Tuolumne

PROJECT DESCRIPTION:

1. Resolution for General Plan Amendment GPA19-004 to change the General Plan land use designation of a 12.47± acre portion of a 37.00± acre parcel from Agricultural (AG) to Homestead Residential (HR).
2. Resolution for Agricultural Preserve Alteration AP20-001 to remove a 12.47± acre portion from Agricultural Preserve 74, which currently consists of 367.7± acres.
3. Ordinance for Zone Change RZ19-005 to rezone a 12.47± acre portion of a 37.00± acre parcel from AE-37:AIR (Exclusive Agricultural, Thirty Seven Acre Minimum:Airport Combining) to RE-3:AIR (Residential Estate, Three Acre Minimum:Airport Combining) and O (Open Space) under Title 17 of the Tuolumne County Ordinance Code (TCOC) as follows:

Proposed Zoning	Acreage
RE-3:AIR	10.93
O:AIR	1.54

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))
- Categorical 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, Agricultural Preserve Alteration, and Zone Change of a 12.47± acre portion of the site are proposed to facilitate a resubdivision to adjust property lines between two legal parcels. The resubdivision is ministerial project as defined in Section 15369 of the *State CEQA Guidelines*. Ministerial projects are statutorily exempt from review under CEQA pursuant to Section 15268 of the *State CEQA Guidelines*.

The proposed project will increase the residential development by one single-family dwelling, which a Conditional Use Permit would be required for. Additionally, the project is not proposing any development. The Agricultural Preserve Alteration will remove the 12.47± acre portion from the Agricultural Preserve which would not impact the agricultural uses on surrounding parcels. Therefore, it can be seen with certainty that the proposed project will not have a significant effect on the environment.

LEAD AGENCY CONTACT: Natalie Rizzi

TELEPHONE NUMBER: (209) 533-5633

Signature: _____

Date: _____

Quincy Yaley, AICP
Environmental Coordinator

BLIND BULL LP

DATE: May 7, 2020

SURFACE/MINERAL RIGHTS OWNERS: Blind Bull LP

APPLICANT: Dave Ragland

PROJECT AND LOCATION

PROJECT

- DESCRIPTION:**
1. Ordinance for Zone Change RZ19-013 to rezone a 40.1± acre parcel and a 19.9± portion of a 39.06± acre parcel from AE-37 (Exclusive Agricultural, Thirty-Seven Acre Minimum) to AE-37:AP (Exclusive Agricultural, Thirty-Seven Acre Minimum:Agricultural Preserve Combining) under Title 17 of the Tuolumne County Ordinance Code (TCOC).
 2. Application for Williamson Act Contract WA19-006 to rescind an existing Williamson Act Contract 04WA-89 and enter into a new contract on a 180.88± acre site pursuant to Tuolumne County Resolution 106-04.
 3. Approval of the new Agricultural Management Plan.

LOCATION: The project site is located at 22200, 22390, 22530, and 22448 Lyons Bald Mountain Road in Sonora. The project site is located within a portion of Sections 9 and 16, Township 2 North, Range 15 East, Mount Diablo Baseline and Meridian, and within Supervisorial District 4. Assessor's Parcel Numbers 085-050-02, 085-050-18, 085-050-19, 085-050-20, and 085-050-21.

GENERAL PLAN: The project site is designated Agricultural (AG) by the Tuolumne County General Plan land use diagrams. The 2018 Tuolumne County General Plan indicates that the AE-37 and :AP zoning districts are consistent with the AG 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 15317 of the State CEQA Guidelines because the project entails modifying an existing Williamson Act land conservation contract to add additional acreage to the contract. The Zone Change is required to add the additional 59.91± acres to the Williamson Act land conservation contract. 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.

RECOMMENDATION

1. Community Development Department Staff recommends approval of Zone Change RZ19-013 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.

BLIND BULL LP

- 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.
2. Community Development Department Staff recommends rescinding Williamson Act Land Conservation Contract 04WA-89 and executing a new Williamson Act contract for WA19-006 under Resolution 106-04, based upon the following findings:
- A. The project is consistent with the Tuolumne County General Plan.
 - B. The project is in accordance with Tuolumne County Resolution 106-04.
 - C. The project is in accordance with Section 51200 et seq. of the California Government Code regarding agricultural land.
 - D. The term of the new contract will restrict the adjusted boundaries of the parcel for at least the unexpired term of the former contract, and no less than 10 years.
 - E. There will be no net decrease in the amount of restricted acreage following the Lot Line Adjustment proposed by Exhibit Map T19-032.
 - F. No more than 10% of the original contracted acreage will be removed as a result of the resubdivision and at least 90% of the new contract will be land which was restricted by the original contract.
 - G. After the Lot Line Adjustment, the land subject to the contract will be large enough to sustain commercial agricultural uses.
 - H. The long term agricultural productivity of the resulting parcels, or of other contracted parcels, will not be compromised by the resubdivision.
 - I. The Lot Line Adjustment will not result in the removal of adjacent land from agricultural uses.
 - J. The Lot Line Adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan.
 - K. 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.
3. Community Resources Agency Staff recommends approval of the Agricultural Management Plans based upon the following findings:
- A. The Agricultural Management Plans are consistent with the Tuolumne County General Plan.
 - B. The Agricultural Management Plans are in accordance with the Tuolumne County Ordinance Code.
 - C. The Agricultural Management Plans are in accordance with Tuolumne County Resolution 106-04.
 - D. The Agricultural Management Plans are in accordance with Section 51200 et seq. of the California Government Code regarding agricultural land.
 - E. Approval of the Agricultural Management Plans is exempt from environmental review

BLIND BULL LP

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 five parcels totaling 199.43± acres. The parcels are zoned AE-37:AP and AE-37. Following approval of Zone Change RZ19-013, new Williamson Act Contract WA19-006, and the Lot Line Adjustment, the Williamson Act Contract will consist of four parcels totaling 180.88 acres. The project site is currently developed with seven residences, turkey processing facilities, a barn, water tanks, and a well. APNs 085-050-02, 085-050-20, 085-050-21 are currently engaged in an active agricultural operation for cattle grazing with irrigated pasture and turkey production. The project site is within Agricultural Preserve 164.

Project Description

2. An application for Lot Line Adjustment T19-010 was submitted on February 20, 2019 to adjust 13.3± acres from APN 085-050-18 to 085-050-20 and 6.59± acres from APN 085-050-18 to APN 085-050-19. The Lot Line Adjustment was put on hold because a new Williamson Act contract must be executed to allow for the Lot Line Adjustment, pursuant to California Government Code Section 51257.
3. On October 14, 2019 an application for Zone Change RZ19-013 and Williamson Act Contract WA19-006 was submitted. The Zone Change is required to add the :AP zoning to portions of parcels being added to Contract WA19-006 that are not currently in the Williamson Act Land Conservation Program, as required by Tuolumne County Resolution 106-04. Williamson Act Contract WA19-006 would allow for the Lot Line Adjustment as proposed.
4. The Lot Line Adjustment will adjust portions from APN 085-050-18 to APNs 085-050-19 and 085-050-20 (Attachment 2). Currently, APN 085-050-20 is within the Williamson Act Land Conservation Program and APNs 085-050-18 and 085-050-19 are not. Zone Change RZ19-013 is required to add the :AP zoning to APN 085-050-19 and the portions of APN 085-050-18 that are being adjusted to be included in the new Williamson Act Contract.

Following approval of Zone Change RZ19-013, new Williamson Act Contract WA19-006, and the Lot Line Adjustment, the entirety of APNs 085-050-19 and 085-050-20 will be included in the Williamson Act Land Conservation Program. The remaining APNs 085-050-02 and 085-050-21 will remain as they currently are for inclusion in the Williamson Act Contract. Following the Lot Line Adjustment, APN 085-050-18 will not exist as all portions of the parcel will be adjusted to APNs 085-050-19 and 085-050-20, and the remaining portion will be adjusted to a parcel to the north which is not owned by Blind Bull. Please see Table 1 and Attachment 2 below for additional information.

Table 1: Site Conditions

APN	Current Size	Size After LLA	Existing Zoning	Currently in WA	In WA after LLA	Ag Matrix Rating	Other
085-050-02	40.01	40.01	AE-37:AP	Yes	yes	Local Importance	No change
085-050-18	39.06	Parcel will not exist	AE-37	No	No	Local Importance	Will not be in WA contract (parcel will not exist following LLA). Portions adjusted to -19 & -20

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085-050-19	40.01	46.6	AE-37	No	Yes	High Value	Will be in WA contract. Rezone to :AP
085-050-20	40.30	53.6	AE-37:AP	Yes	Yes	Local Importance	13.3± acres added. All in WA contract. 13.3 acre portion rezone to :AP
085-050-21	40.05	40.05	AE-37:AP	Yes	Yes	Local Importance	No change

General Plan

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

Ordinance Code

6. The purpose of the existing AE-37 zoning district is to provide for agricultural and resource production where commercial agricultural uses can exist without encroachment of incompatible uses. The parcels within the project site are engaged in active agricultural operations, which are permitted uses in the AE-37 zoning district. The minimum parcel size in the AE-37 zoning district is thirty-seven gross acres. The exhibit map for T19-010 indicates that each parcel will meet the minimum parcel size requirements.
7. The purpose of the of the :AP combining district is to implement the provisions of the California Land Conservation Act of 1965, also known as the Williamson Act, as adopted by the Board of Supervisors by resolution. The County seeks to promote agricultural productivity and the preservation and protection of agricultural or open space values from encroaching development and at the same time prevent inclusion of land in Agricultural Preserves that is not suitable for future use in the production of food, fiber, forage and livestock or wildlife habitat. The project proposes to rezone 40.1± acre parcel and a 19.9± portion of a 39.06± acre parcel from AE-37 to AE-37:AP to allow for the inclusion within the Williamson Act program. The :AP zoning is consistent with the agricultural uses on site.

California Government Code

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

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

- a. The term of the new contract will restrict the adjusted boundaries of the parcel for at least the unexpired term of the former contract, but no less than 10 years;
- b. There will be no net decrease in the amount of restricted acreage following the adjustment. If the two parcels to be adjusted are both subject to Williamson Act contracts, this finding will be satisfied if the aggregate acreage of the new contracts is at least as great as the

aggregate acreage restricted by the rescinded contracts;

- c. No more than 10% of the original contracts acreage will be removed as a result of the adjustment. Conversely, at least 90% of the new contract must be land which was restricted by the original contract;
 - d. After the reconfiguration, the land subject to the contract will be large enough to sustain commercial agricultural uses;
 - e. The long term agricultural productivity of resulting parcels, or to other contracted parcels will not be compromised by the adjustment;
 - f. The adjustment will not result in the removal of adjacent land from agricultural uses; and
 - g. The reconfiguration does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the General Plan.
9. Government Code Section 51254 states that the contract parties may, upon their mutual agreement, rescind a land conservation contract in order to simultaneously enter into a new contract, in which the new contract would enforceably restrict the same property for an initial term at least as long as the unexpired term of the contract being so rescinded, but not less than 10 years. The Lot Line Adjustment will allow for an additional 59.9± acres to be included within the Williamson Act Land Conservation program under WA19-006. Williamson Act Contract WA19-006 will include sufficient acreage to allow for the proposed agricultural operation. There will not be an increase in the number of parcels. The Lot Line Adjustment will not impact the agricultural uses on surrounding parcels. The Lot Line Adjustment is consistent with the General Plan. Therefore, Staff has determined that the proposed Lot Line Adjustment meets findings a through g, as presented above.

Williamson Act

10. Rule 4.A.1 of Tuolumne County Resolution 106-04 states that to qualify for a Land Conservation Contract, land shall be in an agricultural preserve, and be comprised of a single parcel of land, or two or more contiguous or discontinuous parcels in the same preserve when such parcels are under the same ownership or are owned by immediate family members and are managed as a single unit. Following the Lot Line Adjustment, Blind Bull LP will own all the parcels within Williamson Act Contract WA19-006. All the parcels are currently within Agricultural Preserve 164.
11. Rule 4.A.2 states that the minimum acreage for land conservation contracts that have a dryland grazing contract is 160 acres of which 90% must be in agricultural production. The minimum acreage for contracts utilizing dryland grazing with irrigated pasture is 80 acres of which 90% must be in agricultural production. The contract will consist of 180.88± acres utilized for raising turkeys and cattle grazing with irrigated pasture.
12. Rule 1.A.4.c of Resolution 106-04 states that any proposed utilization for commercial agricultural operations, open space and other qualifying and compatible uses shall be existing at the time of recommendation for approval by the Agricultural Advisory Committee for a new Williamson Act land conservation contract. The project site was inspected by Agricultural Office Staff on February 20, 2020. Livestock consisting of turkey, cattle, and goats, were present at the time of the inspection.
13. Rule 8.A states that livestock grazing is a qualifying agricultural use. Any customary agricultural buildings or structures and necessary equipment for the maintenance and support of the agriculture use are also qualifying agricultural uses. The project site contains turkey barns and a turkey processing facility, which is used to support the agricultural use on site.
14. Rule 8.B.11 states that one single-family dwelling per parcel is a compatible use when the parcel

meets the minimum acreage specified in Rule 4.A.2. Where all parcels under the same contract fail to meet the minimum acreage requirement, one single-family dwelling may be erected on any one of the parcels under that contract. There are currently seven residences within the project site. The existing residences have been previously determined to be used for farm labor housing under 04WA-89.

Agricultural Advisory Committee

15. The project was considered by the Agricultural Advisory Committee on March 19, 2020. The Agricultural Advisory Committee Recommended approval of Williamson Act Contract WA19-006 to rescind existing Williamson Act Contract 04WA-89 and enter into a new contract on the site pursuant to Resolution 106-04, including approval of the new Agricultural Management Plan and recommended approval of Zone Change RZ19-013 to rezone a 40.1± acre parcel and a 19.9± portion of a 39.06± acre parcel from AE-37 to AE-37:AP.

Wildlife and Habitat

16. The Tuolumne County Wildlife Maps indicate that the project site contains the blue oak pine (bop), residential park (rsp), blue oak woodland (bow), (mch), annual grassland (ags), Valley (VRI), and (mhw) habitat types. The proposed Zone Change and Lot Line Adjustment would allow for additional acreage to be added to a Williamson Act Contract, which limits development on those parcels. The project site will be utilized for active agricultural operations. The proposed project would allow for an additional 59.9± acres to be included in the Williamson Act Land Conservation program. The project is not proposing any development or any changes in land use. Therefore, no mitigation for cumulative impacts to wildlife was required for the proposed project.

Adjoiner Comments

17. The property owners of 22 adjoining property owners were notified of the project via mail on November 18, 2019. The Community Development Department did not receive any responses.

Agency Review

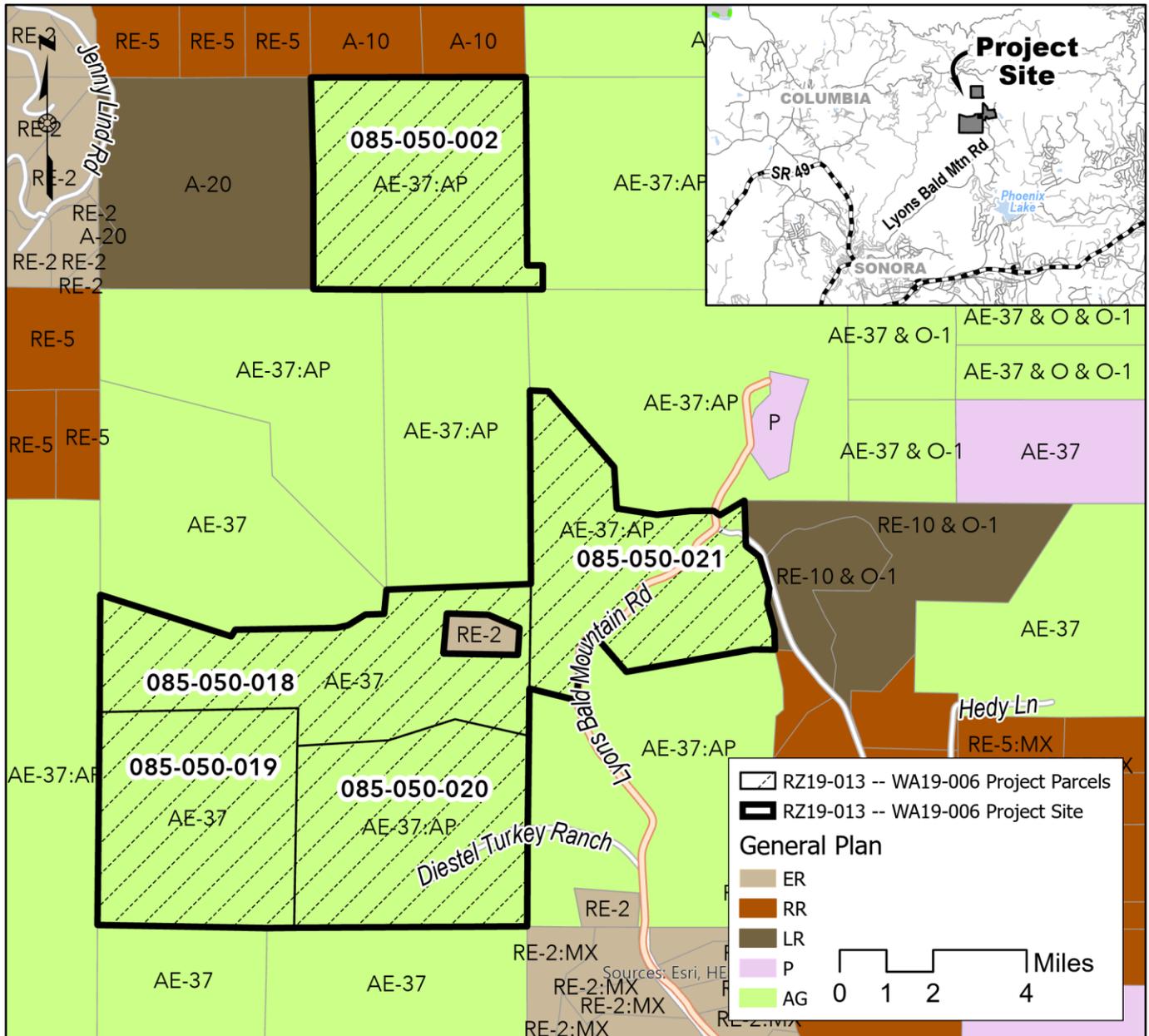
18. The application for Zone Change RZ19-013 and Williamson Act Contract WA19-006 has been reviewed by various State and County agencies. No substantial comments were received.

Prepared by: Natalie Rizzi, Land Use Coordinator

S:\Planning\PROJECTS\Williamson Act\2019\WA19-006 (RZ19-013) Blind Bulls, LLC\Application Review\Agenda Report- Blind Bull.doc

BLIND BULL LP

Attachment 1: Agenda Map



Owner: Blind Bulls LP

Applicant: Dave Ragland

APNs: 085-050-02, 085-050-18, 085-050-19, 085-050-20, & 085-050-21

180.88±Ac.

Project: RZ19-013 & WA19-006

Zoning & General Plan: Current AE-37 & AE-37:AP zoning, AG (Agricultural) designation per the Tuolumne County General Plan land use diagrams

Proposed:

--Ordinance for Zone Change RZ19-013 to rezone a 40.1± acre parcel and a 19.9± portion of a 39.06± acre parcel from AE-37 to AE-37:AP.

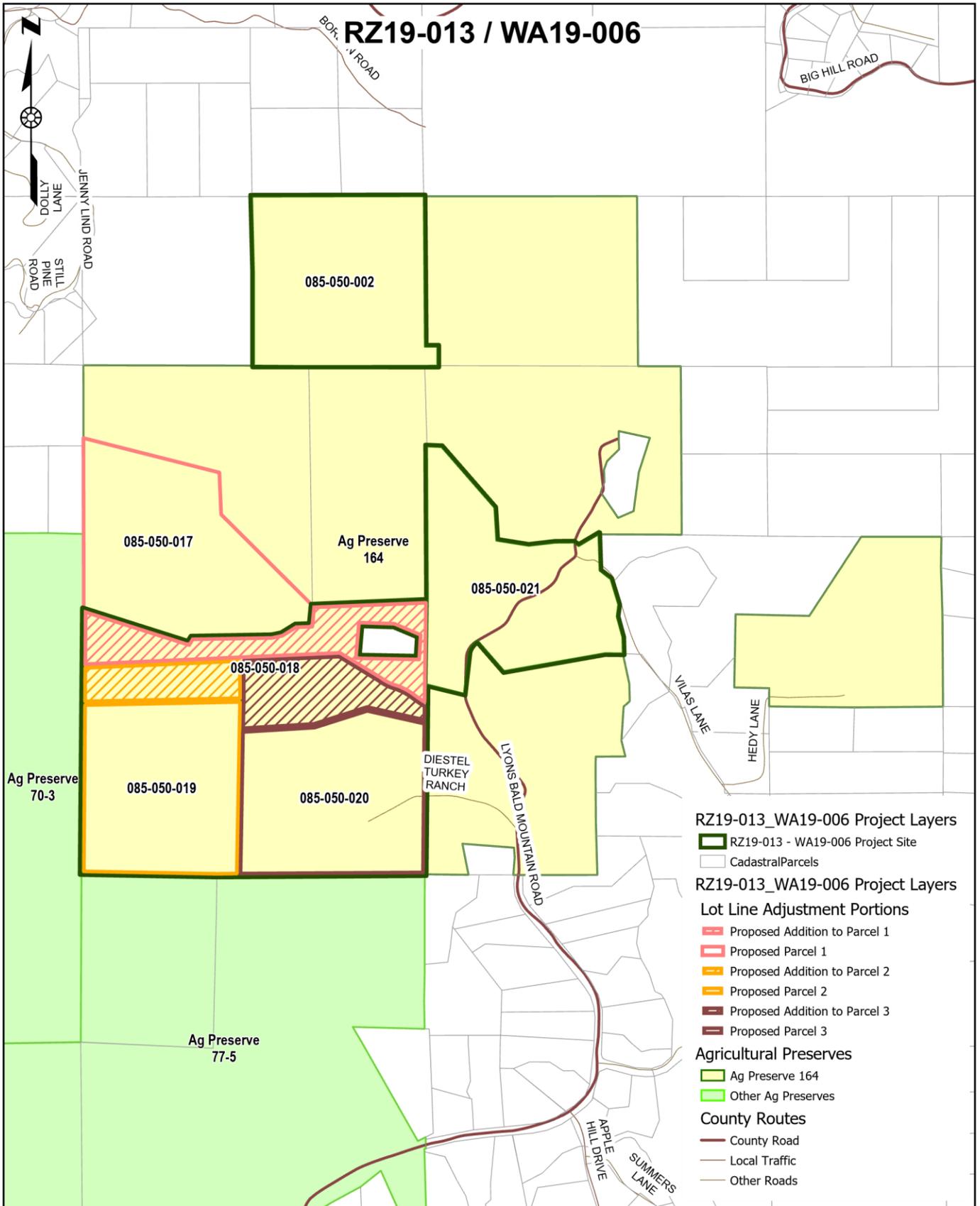
--Application for Williamson Act Contract WA19-006 to rescind an existing Williamson Act Contract 04WA-89 and enter into a new contract on a 180.88± acre site pursuant to Tuolumne County Resolution 106-04.

--Approval of the new Agricultural Management Plan.

Supervisorial District No. 1

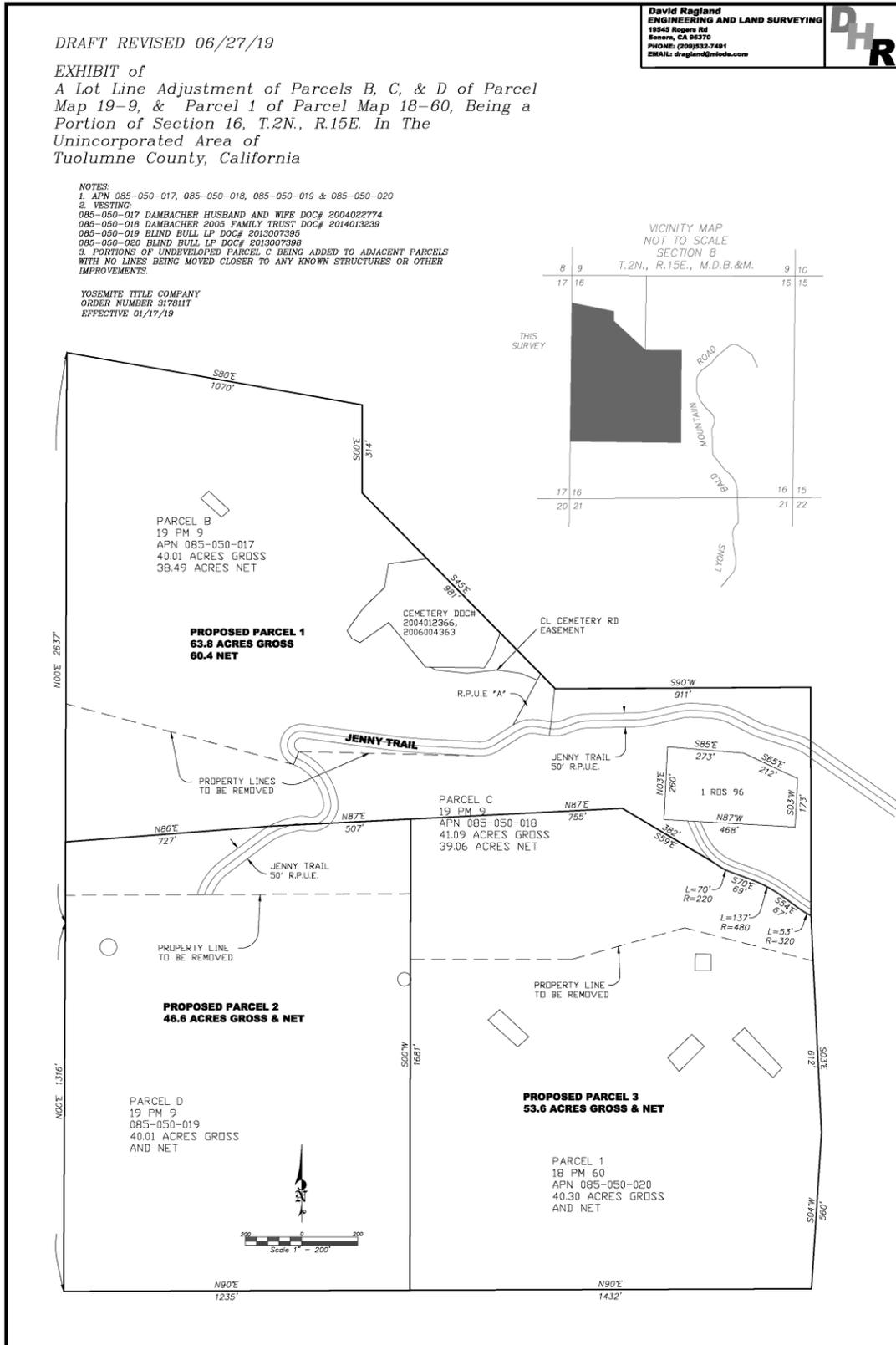
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Attachment 2: Agricultural Preserve Map



Attachment 3: Lot Line Adjustment Exhibit Map

BLIND BULL LP





OFFICE OF ENVIRONMENTAL COORDINATOR

Quincy Yaley, AICP
Environmental Coordinator

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

NOTICE OF EXEMPTION

PROJECT TITLE: Zone Change RZ19-013 and Williamson Act Contract WA19-006

**PROJECT
PROPONENT:** Blind Bull LP

LOCATION: The project site is located at 22200, 22390, 22530, and 22448 Lyons Bald Mountain Road in Sonora. The project site is located within a portion of Sections 9 and 16, Township 2 North, Range 15 East, Mount Diablo Baseline and Meridian, and within Supervisorial District 4. Assessor's Parcel Numbers 085-050-02, 085-050-18, 085-050-19, 085-050-20, and 085-050-21.

COUNTY: Tuolumne

**PROJECT
DESCRIPTION:**

1. Ordinance for Zone Change RZ19-013 to rezone a 40.1± acre parcel and a 19.9± portion of a 39.06± acre parcel from AE-37 (Exclusive Agricultural, Thirty-Seven Acre Minimum) to AE-37:AP (Exclusive Agricultural, Thirty-Seven Acre Minimum:Agricultural Preserve Combining) under Title 17 of the Tuolumne County Ordinance Code (TCOC).
2. Application for Williamson Act Contract WA19-006 to rescind an existing Williamson Act Contract 04WA-89 and enter into a new contract on a 180.88± acre site pursuant to Tuolumne County Resolution 106-04.
3. Approval of the new Agricultural Management Plan.

**APPROVING
AGENCY:** Tuolumne County

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. 15317)
 Exemption (Sec.21083, 21084; 15303(d), 15304(a); 15304(b))

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 15317 of the State CEQA Guidelines because the project entails modifying an existing Williamson Act land conservation contract to add additional acreage to the contract. The Zone Change is required to add the additional 59.91± acres to the Williamson Act land conservation contract. 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: _____

SURFACE/MINERAL

RIGHTS OWNER: Frederick and Kathleen Kahl

APPLICANT: Robert Ozbirn

DATE: May 8, 2020

PROJECT AND LOCATION

PROJECT

DESCRIPTION:

1. Resolution for Agricultural Preserve Alteration AP14-001(1) to remove a 90.3± acre parcel from Agricultural Preserve No. 138, which currently consists of 367.7± acres.
2. Resolution for General Plan Amendment GPA14-006(1) to amend the General Plan land use designation of a 90.3± acre parcel from Agricultural (AG) to Large Lot Residential (LR).
3. Ordinance for Zone Change RZ14-016(1) to rezone the project site from AE-37 (Exclusive Agricultural, Thirty-Seven Acre Minimum) under Title 17 of the Tuolumne County Ordinance Code as follows:

PROPOSED ZONING	ACREAGE
A-10 (General Agricultural, Ten Acre Minimum)	68.8±
O (Open Space)	21.5±

4. Vesting Tentative Subdivision Map T18-046 to divide the existing 90.3± acre parcel into 8 parcels as follows:

PARCEL NUMBER	PROPOSED ACREAGE
Lot 1	11.5±
Lot 2 [^]	14.2±
Lot 3	10.3±
Lot 4	10.4±
Lot 5 [*]	10.4±
Lot 6	13.4±
Lot 7	10.0±
Lot 8	10.1±

[^] Existing Historic Barns and Garage Structure

^{*} Existing Martin Ranch Residence

LOCATION:

The project site is located at 11247 Campo Seco Road, west of the intersection of Campbells Flat Road and Campo Seco Road and southeast of the community of Jamestown. A portion of Sections 11 and 12, Township 1 North, Range 14 East, Mount Diablo Baseline and Meridian. Assessor's Parcel Number 59-010-056. Supervisorial District 5.

GENERAL PLAN:

The General Plan land use designation of the site is Agricultural (AG). The proposed project would change the land use designation of the site from AG to Large Lot Residential (LR). Table 1.3 of the 2018 Tuolumne County General Plan indicates that the proposed A-10 and O zoning districts would be consistent with the proposed LR land use designation.

ENVIRONMENTAL EVALUATION

In accordance with the California Environmental Quality Act (CEQA), the Environmental Coordinator for the County has conducted an Initial Study to determine whether the proposed project may have a significant effect on the environment. Based on the analysis in the Initial Study, the Environmental Coordinator has determined that although the project, as originally proposed, had a potential to have a significant effect on the environment, the project has been modified by incorporating measures to mitigate the potential impacts into the conditions of approval; therefore, a Mitigated Negative Declaration has been prepared. Pursuant to Section 21091 of the Public Resources Code, the Negative Declaration was made available for public review. The public review period was 30 days in length and closed on April 3, 2020. The County received three comment letters regarding the Mitigated Negative Declaration. The responses to the comments therein are included in the Agency Response at the end of this document, and no changes to the Initial Study were required due to the comment letters.

RECOMMENDATION

1. Community Development Department Staff recommends approval of the Mitigated Negative Declaration prepared for this project based upon the following findings:
 - A. The proposed project will not result in significant adverse impacts to the environment.
 - B. The Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) and State and County guidelines for the implementation of CEQA.
 - C. The Mitigated Negative Declaration reflects the independent judgment of the County of Tuolumne.
 - D. Pursuant to Section 21081.6(a)(1) of the Public Resources Code, a reporting and/or monitoring plan has been prepared, as incorporated into the conditions of approval for Vesting Tentative Subdivision Map T18-046, in order to avoid significant effects on the environment.
 - E. The conditions of approval of Vesting Tentative Subdivision Map T18-046 are roughly proportional to the respective potential environmental impacts associated with the proposed project.
 - F. Pursuant to Section 21081.6(a)(2) of the Public Resources Code, the custodian and location of the documents and materials which constitute the record of proceedings upon which this decision to adopt the Mitigated Negative Declaration has been made are as follows:

Clerk of the Board of Supervisors, 2 South Green Street, Sonora, California.

Environmental Coordinator/Community Development Department Director,
Tuolumne County Community Development Department, 48 Yaney Ave., Sonora,
California.
2. Community Development Department Staff recommends approval of Agricultural Preserve Alteration AP14-001(1) based upon the following findings:
 - A. The project is consistent with the Tuolumne County General Plan.

- B. The project is in accordance with Tuolumne County Resolution 106-04.
 - C. The project is in accordance with Section 51200 et seq. of the California Government Code regarding agricultural land.
3. Community Development Department Staff recommends approval of General Plan Amendment GPA14-006(1) 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.
4. Community Development Department Staff recommends approval of Zone Change RZ14-016(1) based upon the following findings and contingent upon adoption of the Master Resolution amending the General Plan:
- 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.
5. Community Development Department recommends approval of Vesting Tentative Subdivision Map T18-046 based upon the following findings and subject to conditions 1 through 74 and contingent upon adoption of the Master Resolution amending the General Plan:
- A. The proposed land division is consistent with the Tuolumne County General Plan.
 - B. The proposed land division is consistent with the Tuolumne County Ordinance Code.
 - C. None of the mandatory findings requiring denial of a tentative map in Section 66474 of the State Subdivision Map Act apply to this project.
6. Community Development Department Staff recommends approval of the Indemnification Agreement by and between the County of Tuolumne and Fredrick and Kathleen Kahl.

GENERAL INFORMATION

Site Description

- 1. The project site straddles Campo Seco Road. Martin Lane is located on the northeast boundary of the site. The site is bounded on the east by Campbells Flat Road. Properties designated Agricultural by the General Plan land use diagrams are located to the west and south. The site is located approximately one mile southeast of Jamestown.

2. The property is currently improved with one residence, two barns, a metal garage/barn, a water tank structure and accessory sheds, and is historically known as the Martin Ranch. Four intermittent streams are located on the property. One intermittent stream, identified in the biological report as Drainage C, runs through the center of the property from the north to the southwest. A second intermittent stream, identified as Drainage B, runs along the eastern property boundary. A portion of a third intermittent stream, identified as Drainage A, is located near the southeastern property corner. The fourth intermittent stream, identified as Drainage D, is located south of the residence, supports dense blackberry growth and riparian vegetation, connects to the central stream. These intermittent streams are tributaries of Sullivan Creek, which eventually drains to the Lake Don Pedro Reservoir approximately five miles to the southwest of the site.

3. Elevations on the project site range from approximately 1,590 to 1,700 feet above mean sea level. Slopes range from 10% in the central location of the site, to 20% near the western property boundary. The Tuolumne County Wildlife Maps indicate that the wildlife habitat on the project site consists mainly of annual grassland (ags) and approximately 16.5± acres of residential-park (rsp). However, a site inspection observed the presence of blue oaks, interior live oaks, foothill gray pines, ponderosa pines, incense cedar trees, and valley oaks along the intermittent streams. Understory plants consists of buckbrush, toyon, manzanita and poison oak plants. Elderberry shrubs are located on knoll to the northwest and along the central stream.

4. The project site is bounded by parcels with the following zoning classifications and General Plan Land use designations:

Assessor's Parcel Number	General Plan	Zoning	Direction
59-460-20	ER	RE-2:MX	Northwest
59-460-21	ER	RE-2:MX	Northwest
59-460-38	ER	RE-2:MX	North
59-460-31	ER	RE-2:MX	Northeast
59-460-32	ER	RE-2:MX	Northeast
59-460-04	ER	RE-2:MX	Northeast
59-010-33	AG	AE-37	East
56-270-41	ER	RE-5	East
56-500-21	ER	RE-2:MX	Southeast
56-500-23	ER	RE-2:MX	Southeast
56-500-24	ER	RE-2:MX	Southeast
59-010-53	AG	AE-37	South
59-010-54	AG	AE-37	South
59-010-57	AG	AE-37	West

Legend: C-1 -- General Commercial
 RE-2 -- Residential Estate, Two Acre Minimum
 RE-5 -- Residential Estate, Five Acre Minimum
 AE-37 -- Exclusive Agricultural, Thirty-Seven Acre Minimum
 :MX -- Mobilehome Exclusion Combining
 ER -- Estate Residential
 AG -- Agricultural

Project Description

5. On December 3, 2014, an application was received from the property owners. The project was revised in January 2019 for the following entitlements:
 1. Resolution for Agricultural Preserve Alteration AP14-001(1) to remove a 90.3± acre parcel from Agricultural Preserve No. 138, which currently consists of 367.7± acres.
 2. Resolution for General Plan Amendment GPA14-006(1) to amend the General Plan land use designation of a 90.3± acre parcel from Agricultural (AG) to Large Lot Residential (LR).
 3. Ordinance for Zone Change RZ14-016(1) to rezone the project site from AE-37 (Exclusive Agricultural, Thirty-Seven Acre Minimum) under Title 17 of the Tuolumne County Ordinance Code as follows:

PROPOSED ZONING	ACREAGE
A-10 (General Agricultural, Ten Acre Minimum)	68.8±
O (Open Space)	21.5±

4. Vesting Tentative Subdivision Map T18-046 to divide the existing 90.3± acre parcel into 8 parcels as follows:

PARCEL NUMBER	PROPOSED ACREAGE
Lot 1	11.5±
Lot 2 [^]	14.2±
Lot 3	10.3±
Lot 4	10.4±
Lot 5*	10.4±
Lot 6	13.4±
Lot 7	10.0±
Lot 8	10.1±

[^] Existing Historic Barns and Garage Structure
 * Existing Martin Ranch Residence

General Plan Consistency

6. The existing Agricultural (AG) land use designation provides for the production of food and fiber and other productive or potentially productive lands where commercial agricultural uses can exist without creating conflicts with other land uses or where potential conflicts can be minimized. Typical AG land uses allowed include crop production, orchards and vineyards, grazing, pasture and rangeland, and recreational farming.
7. General Plan Amendment GPA14-006(1) proposes to change the General Plan land use designation to Large Lot Residential (LR). The LR land use designation provides for 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 and serves as a buffer between urban and urbanizing areas and agricultural land.
8. Typical uses allowed in the LR designation include one single family dwelling per parcel, agricultural uses, such as crop production and grazing, roadside stands for agricultural products, and public facilities.

9. The following Goals, Policies and Implementation Programs pertain to this project:

2018 GENERAL PLAN GOALS AND POLICIES

General Plan	
Goals and Policies	Project Consistency
<p>Policy 1.A.b: Provide an appropriate range of land use designations to serve the needs of the residents of the County and designate an adequate amount of land in each land use category to provide a balanced pattern of development. Use overlay designations to recognize special features or characteristics of areas of the County that may affect development potential or create opportunities for conservation of special resources.</p>	<p>The project proposes a change in the existing General Plan land use designation from AG to LR. The project would allow for more residential development while still allowing for agricultural uses on each parcel.</p>
<p>Policy 1.A.3: Address the impacts associated with new development on cultural resources and conserve such resources where appropriate.</p>	<p>A Cultural Resource Study identified resources on the project site. Open Space zoning is proposed to be placed around cultural resources on the site to protect them from impact due to the project.</p>
<p>Policy 1.A.5: Promote infill and clustered patterns of development that facilitate the efficient and timely provision of infrastructure and services.</p>	<p>The proposed land division would allow up to sixteen residences on the site due to State Accessory Dwelling Unit laws. The project site is adjacent to smaller acreage lots and would be an be similar in size to those parcels. The site is accessed by Campo Seco Road, which is a paved County maintained road. The site will connect to public water service.</p>
<p>Implementation Program 1.B.a: Designate, where possible, land around existing non-residential land uses, such as agriculture, timberlands, mining preserves and industry, for new development that is compatible with these existing uses.</p>	<p>The project site is adjacent to parcels that are designated for agricultural uses. The project proposes parcels ranging in size from 10± acres to 14.2± acres which would still allow for an agricultural operation with residential development.</p>
<p>Policy 8.A.1: Avoid the conversion of agricultural lands from the Agricultural General Plan land use designation and compatible zonings.</p>	<p>The proposed project was heard by the Agricultural Advisory Committee on April 30, 2019. The Committee recommended approval of the project since the proposed zoning and parcel sizes would allow for the agricultural use of the parcels.</p>
<p>Implementation Program 8.A.b - Grant exceptions to the policies and implementation programs regarding conversion of agricultural land contained in this Element only when such exception is approved by the Board of Supervisors.</p> <p>Implementation Program 8.A.c - Utilize the Agricultural Rating System matrix only to evaluate applications proposing exceptions to Policy 8.A.1 and Policy 8.A.2.</p>	<p>The project site has been rated as Agricultural Land of Local Importance utilizing the Agricultural Rating System Matrix of the General Plan. The proposed parcel sizes and proposed zoning district would allow for the agricultural use of the land.</p>
<p>Policy 8.A.4: Development proposed adjacent to land designated Agricultural by the General Plan land use diagrams shall provide a buffer from the agricultural land. The buffer shall be 200 feet in width and located on the development site. No residential or non-</p>	<p>The proposed project was heard by the Agricultural Advisory Committee on April 30, 2019. The Committee recommended maintaining a 200-foot building setback from the High Value agricultural property to the south. The setback line</p>

<p>agricultural buildings may be erected in the buffer area as long as the adjacent land remains designated Agricultural. The buffer may be reduced in width by the Board of Supervisors after considering the recommendation of the Agricultural Advisory Committee</p>	<p>must be shown on the Final Map.</p>
<p>Policy 8.B.6: Refer applications for discretionary land use entitlements submitted to the Community Development Department proposing development of parcels that are zoned AE (AE-37, AE-80 or AE-160), are at least 37 gross acres in area and are located adjacent to land designated for agricultural use to the Agricultural Advisory Committee for review and recommendation regardless of the General Plan land use designation of the parcel to allow an opportunity to comment on impacts to adjacent agricultural land.</p>	<p>At its hearing on April 30, 2019, the Agricultural Advisory Committee recommended approval of Agricultural Preserve Amendment AP14-001 (1), General Plan Amendment GPA14-006(1), Zone Change RZ14-016(1) and Tentative Subdivision Map T18-046. The Committee determined that smaller lots are adjacent to the project site on the east and that the proposed parcel sizes could still be utilized for agricultural purposes.</p>

Zoning Ordinance

- The proposed A-10 (General Agricultural, Ten Acre Minimum) and O (Open Space) zoning district on the project site are consistent with the Large Lot Residential (LR) land use designation pursuant to Table 1.3 of the 2018 General Plan Technical Background Report. Specific sections of the Ordinance Code that pertain to the project site are as follows:

<p style="text-align: center;">Zoning Ordinance</p>	
<p style="text-align: center;">Requirements</p>	<p style="text-align: center;">Project Compliance</p>
<p>Section 17.12.010- The purpose of the propose A-10 zoning district is to provide for country-estate 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. Development in this zone must comply with Title 15 of this Code relative to fire safety standards.</p>	<p>Tentative Subdivision Map T18-046 proposes parcels ranging in size from 10± acres to 14.3± acres. Each parcel would be allowed to conduct agricultural operations as a permitted use and is consistent with the minimum parcel size.</p>
<p>Section 17.12.020- Within the A-10 district the following uses are permitted: one primary single-family dwelling per parcel; one additional single-family dwelling or guesthouse, when the parcel is ten acres or greater.</p>	<p>Each parcel will allow two dwellings per parcel. Further, State Accessory Dwelling Unit laws require a local entity to allow a second residence, no larger than 1200 square feet, on any parcel that is zoned for a single family dwelling.</p>
<p>Section 17.14.010- states that the intent of the (O) district is to protect the public in areas not suitable for development because of flooding or other natural hazards and to provide areas of open space for the protection of wildlife habitat and scenic quality where vegetation removal may be appropriate in certain instances or for the preservation of cultural resources.</p>	<p>The four intermittent streams on the project site, portions of oak woodland and cultural resources on the site are proposed to be located within the O zoning district.</p>

Biological Resources

11. The Tuolumne County Wildlife Habitat Map for the USGS Sonora 7.5 Minute Quadrangle indicates that two common wildlife habitat types on the project are annual grassland (ags) and residential-park (rsp). Four intermittent streams are located on the property. One intermittent stream, identified in the biological report as Drainage C, runs through the center of the property from the north to the southwest. A second intermittent stream, identified as Drainage B, runs along the eastern property boundary. A portion of a third intermittent stream, identified as Drainage A, is located near the southeastern property corner. The fourth intermittent stream, identified as Drainage D, is located south of the residence, supports dense blackberry growth and riparian vegetation, connects to the central stream. These intermittent streams are tributaries of Sullivan Creek, which eventually drains to Don Pedro Reservoir approximately five miles to the southwest of the site.
12. Vegetation consists of scattered blue oaks, interior live oaks, hybrid oaks, foothill gray pines, ponderosa pines, incense cedar and valley oaks along the intermittent streams. Understory plants consists of buckbrush, toyon, manzanita and poison oak plants. Elderberry shrubs are located on knoll to the northwest and along the central stream. The habitat types based on the Wildlife Habitat Maps are shown on the table below:

WILDLIFE HABITAT			
Habitat Type	Priority Rating	Approximate Acreage	Percentage of Site
Annual grassland (ags)	4	73.8±	82%
Residential-park (rsp)	4	16.5 ±	18%

13. The asg and rsp are fourth priority habitat areas pursuant to 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 rsp habitat is normally designated for urbanized areas, including residential, commercial and industrial developments, as well as landscaped parks and gardens.
14. The Tuolumne County Wildlife Handbook (TCWH) states, on page IV-2, that a developer has the option to perform a project specific study to determine potential impacts and if necessary, to formulate a mitigation plan in accordance with applicable State and Federal law. The project developer hired a biological consultant to design a project specific mitigation plan for the project site. The purpose of the mitigation plan is to provide a description of existing biological resources on the project site, to identify potentially significant impacts that could occur to sensitive biological resources from the construction of the roads, driveways or future home sites, and to identify appropriate mitigation for the identified impacts.
15. The project applicant hired C2 Consult, Corp, to prepare a biological assessment of the project site, and to determine the property's habitat values. In February 2016, a study was received entitled *Biological Resources Report for the Kahl Project 11247 Campo Seco Road, Sonora, Assessor's Parcel Number 59-010-56*. The main purpose of the biological assessment was to determine if the proposed project would have potential impacts on plant and/or wildlife habitats, wetland areas, special status species in the project area or oak woodland. Mitigation measures proposed in the biological assessment utilize measures found in the Tuolumne County Wildlife Handbook.

Oak Woodlands

16. Public Resources Code Section 21083.4 requires oak woodland mitigation for any project where the conversion of oak woodlands results in a significant impact to the environment. The County of Tuolumne in consultation with the California Department of Fish and Wildlife defines an "oak woodland as an area with 10 percent oak canopy cover". The project site has an oak canopy greater than 10%; near the central portion of the project site and along the stream corridors; therefore, oak woodland mitigation is required.
17. Implementation Program 16.B.j.1 of the 2018 General Plan directs the County that when considering discretionary development proposals, the County, through CEQA reviews, will require that project applicants map oak woodland resources on the project site and, where feasible, establish buffers around existing oak woodland stands to prevent adverse effects.
18. The project site does not have a large population of oak trees or oak woodland habitat. There are no valley oak woodland or old growth oaks outside of the existing stream corridors.
19. Given the size of the proposed parcels, and the fact that building sites have not been identified, it is possible that future construction could avoid the removal of oak trees located outside of the proposed Open Space zoning. However, to ensure preservation of oak trees on the project site, the mitigation measures below are recommended to preserve oak woodland, valley oaks and old growth oak trees.

Special Status Species

20. The California Department of Fish and Game Natural Diversity Data Base (CNDDDB) maps, and the Tuolumne County Wildlife Habitat Maps were consulted for known locations of special status plants or animal species. Thirty-eight (38) special status species are known to occur in the Sonora Quadrangle and surrounding quadrangles. Of the thirty-eight species, eighteen (18) are found exclusively in habitat types not found on the project site. Eleven (11) animal species and nine (9) plant species could have habitat on the project site.

Wetlands

21. Evidence of riparian and aquatic habitat is found on the project site. It is only located within the unnamed streams on the site, which were identified as Drainage A to D in the biological study. Two streams are identified as "intermittent" on the 7.5 minute USGS Quadrangle Sonora (2015) map. The biological study indicated a total of 4 intermittent streams on site, but two of the streams are not identified on the 7.5 minute USGS Quadrangle Sonora (2015) map. These intermittent streams are tributaries to Sullivan Creek, which is a tributary to Curtis Creek, which eventually drains into Don Pedro Reservoir and the Tuolumne River. On the 7.5 minute USGS Quadrangle Sonora (2015) map, a blue line stream is shown on the northern portion of the project site. This is the Jamestown Ditch, part of the Tuolumne Utilities District ditch system. Evidence of the ditch was not found on the project site, however a portion of it was located just off the project site, near the terminus of Martin Lane. It is believed that the other portions of the ditch have been relocated underground, as no evidence was found on the project site. No other aquatic, riparian or wetland habitat is found outside of the existing streams on the project site.

Biological Mitigation

22. The project could have potential impacts to sensitive animal species, old growth oak species, nesting birds and bats species. No impacts are expected to wetland habitats

(state or federal), riparian habitats, other sensitive natural communities, native resident or migratory fish or wildlife species, wildlife corridors, or wildlife nursery sites. Open Space zoning is proposed along the intermittent streams, which will also include the majority of the oak woodland on the site. The O zoning will mitigate cumulative impacts to wildlife, protect wetlands and protect cultural resources.

23. Additional mitigation measures have been recommended to minimize impacts to sensitive animal species, the valley elderberry longhorn beetle, oak trees, nesting and migratory birds and bat species. With the implementation of these mitigation measures, all potential impacts of the project would be reduced to a level of less than significance. For further information regarding Biological Resources, please review the Mitigated Negative Declaration prepared for this project.

Cultural Resources

24. A cultural resource study entitled *Final Cultural Resources Study of the Martin Ranch Complex, Sonora, California, (APN 059-010-56)* was conducted on the property by Patrick GIS Group, Inc., Manteca California, in August 2017. The project site was studied for both archaeological and architectural resources. The field survey revealed identified eleven (11) archeological resources, two isolated finds and one unrecorded segment of a previously recorded resource. Two sites are prehistoric site, nine are historic era site and one is a multi-component site. Both isolated finds are prehistoric and consist of milling stone fragments.
25. Of the resources on the project site, six have been recommended as potentially eligible for the California Register of Historic Resources (CRHR) as follows: two prehistoric sites, two historic-era sites, one multi-component site and the Martin Ranch Complex. The final results of the studies will be filed with the Central California Information Center of the California Historical Resources Information Center at California State University, Stanislaus. The report will be available to qualified professionals upon request.
26. Per the provisions of the California Environmental Quality Act, potential effects on cultural resources should be avoided through the use of Open Space, capping or covering or deeding the site into a permanent conservation easement. The use of Open Space zoning is recommended with a 100-foot buffer around each potentially eligible resource, with the exception of "Campo Seco 8" which may exclude the residence and reasonable perimeter around the structures. The Martin Ranch Complex may implement future deed restrictions or additional mitigation in consultation with the County. Construction personnel should be trained by a qualified archeologist of the types of cultural resources they may encounter and the laws protecting those resources.
27. Should an inadvertent discovery of cultural materials be made during project related ground disturbing activities, ground disturbances in the area of the find must be halted and a qualified professional archaeologist must be notified regarding the discovery. The archaeologist shall determine whether the resource is potentially significant and develop appropriate mitigation pursuant to Section 14.10.150 of the Ordinance Code. For further information concerning Cultural Resources, please review the Cultural Resources section of the Mitigated Negative Declaration prepared for this project.

Native American Consultation

28. 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, the Chicken Ranch Rancheria of Me-Wuk and the Buena Vista Rancheria. Letters offering the opportunity to consult regarding this project were sent to these tribes on January 13, 2015. A second letter was mailed on March 21, 2019 for the project revisions, allowing a 90-day comment period for the initial project review. Each of the tribes were also sent a 45-day letter notification by mail prior to the public hearing regarding this project before the Board of Supervisors. The 45-day letters were sent to each of the tribes on May 8, 2020. To date, no responses from the tribes have been received.

Greenhouse Gas

29. Gases that trap heat in the atmosphere are called greenhouse gases (GHGs). The effect is analogous to the way a greenhouse retains heat. Common greenhouse gases include water vapor, carbon dioxide, methane, nitrous oxides, chlorofluorocarbons, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, ozone, and aerosols. Both natural processes and human activities emit greenhouse gases. Greenhouse gas impacts and mitigation measures are described in the Initial Study.

On-Site Sewage Treatment and Disposal

30. Since this project proposes lots ranging in size from 10.0± to 14.3± acres, the project is not required to be connected to public water or public sewer systems; however, the applicant has proposed that each lot will be served with public water and a private on-site sewage treatment and disposal system. Individual wells could still be utilized for agricultural purposes. Similar developed parcels in the area of the project site utilize private wells and septic tank/leach field systems. The Tuolumne Utilities District have stated that they have the capacity to serve the project site with the payment of connection fees; therefore, there will be no impacts to existing water supplies or cause the expansion of existing facilities.
31. Public sewer is not currently available in the Campo Seco Road area. Pursuant to Section 13.04.030(A) of the Tuolumne County Ordinance Code, no lot or parcel of a gross area of ten acres or less, will be created or approved on or after January 2, 1975, without complying with Chapter 13.04 of the Ordinance Code. The proposed parcels range from 10.0± to 14.2± acres, therefore, the lots already comply with Chapter 13.04 because they exceed 10 acres in size. Therefore, the project has been approved by the Environmental Health Division for compliance with Chapter 13.04 of the Ordinance Code. Future on-site agricultural wells and sewage disposal systems will require a permit from Tuolumne County Environmental Health Division and must be constructed to the standards contained in the County Ordinance Code.

Traffic and Access

32. Access to the project site is currently provided by two driveways off of Campo Seco Road (south to the residence and north to the garage and barn). Another access is provided by a gravel common driveway off of Campbells Flat Road, which continues onto the property to the south.
33. Campo Seco Road is a two-lane County maintained road which is classified as a minor collector road. Minor collectors generally serve lower density areas and, therefore, do not have the traffic volume that major collectors do. Minor collector roads often serve to funnel

traffic from groups of local roads onto the major collectors and arterial routes. Minor collectors should be spaced to bring all developing areas of the County within reasonable distance of major collectors or arterial routes.

34. The estimated project total traffic generation is 10 vehicle trips per day (VTPD) multiplied by the number of single-family residences. The project consists of 8 lots with a maximum of one single-family dwelling and one secondary single-family dwelling per lot. There is one existing single-family residence on the project site. A total of 16 residences could be constructed on the site, which does not include an accessory dwelling unit which is permitted to be constructed on each lot. VTPD are calculated as follows:

$$16 \text{ Single-family residences} \times 10 \text{ VTPD} = 160 \text{ VTPD}$$

35. A total of 160 vehicle trips per day are estimated to be generated by full build out of Vesting Subdivision Map T18-046 (State laws do not allow ADUs to be counted toward density calculations). Due to the low traffic volumes anticipated to be generated by the proposed project, a traffic impact analysis was not required. The Engineering Division of the Department of Public Works reviewed the proposed project and states that the developer will be required to comply with applicable existing regulations for the development of access to the proposed parcels.
36. Access to the proposed subdivision will be from Campo Seco Road. Lots 6, 7 and 8 could also utilize the existing gravel common driveway with access from Campbells Flat Road. Driveways will be constructed to meet current Title 11 requirements.
37. The Engineering Division of the Department of Public Works has reviewed the proposed project and advises that a Road and Utility Easement must be dedicated 32-feet from the existing centerline right-of-way along Campo Seco Road pursuant to Section 16.26.150 of the Tuolumne County Ordinance Code.
38. Tuolumne County presently collects Traffic Impact Mitigation Fees from new development to mitigate cumulative impacts to the County's circulation system. The Tuolumne County Board of Supervisors has determined that projects of this type contribute cumulatively to the significant adverse impacts on the County's circulation system. To mitigate this impact, the project proponent or subsequent developer will pay an appropriate Traffic Impact Mitigation Fee (TIMF) during the construction process of new development resulting from approval of this project.

Advisory Agency Responses

39. The Environmental Health Division of the Community Development Department responded, and their comments have been included in the proposed Conditions of Approval. The Solid Waste Division provided comments on the handling of refuse and recyclables. The Engineering Division response is discussed in the Traffic and Access section above.
40. The project has been reviewed by the Tuolumne County Fire Prevention Division (FPD) for consistency with the National Fire Code, California Fire Code, California Building Code, the Tuolumne County General Plan and Ordinance Code.
41. During circulation of the Mitigated Negative Declaration, the California Department of Transportation (Caltrans), the Sierra Club Tuolumne Group, and the Department of Toxic Substance Control provided comments. Caltrans indicated that the project proponent should be required to pay traffic impact fees and any fair share contributions to future improvements on the State Route 49 intersections which the subdivision traffic would utilize. The project

has been conditioned to require payment of the applicable Traffic Impact Mitigation Fee (TIMF). The TIMF would be due prior to the issuance of a Certificate of Occupancy for the construction of any future single-family dwelling on site. The Sierra Club Tuolumne Group indicated that they supported the project revision to scale back the number of lots from the original proposal and to provide public water for the proposed lots.

42. The Department of Toxic Substance Control (DTSC) provided the following comments during the circulation of the Mitigated Negative Declaration:

- a) *Future or historic activities which have the potential to release hazardous wastes or substances should be identified.*

The IS/MND indicated that Hazardous and non-hazardous wastes that are likely to be generated from project operation would most likely include but is not limited to hydraulic fluids and solvents used in the construction operations of new residences. However, all hazardous substances and wastes are required to be handled, stored, transported, and disposed of according to a framework of federal, state and local regulations, including regulation by California Environmental Protection Agency, Department of Toxic Substances Control, Tuolumne County Environmental Health, U.S. and California Department of Transportation, and the California Division of Occupational Safety and Health. Additionally, construction or maintenance activities associated with the structures on the site could involve the use of potentially hazardous materials, including paints, cleaning materials, vehicle fuels, oils, and transmission fluids. However, all potentially hazardous materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations.

A review of the Department of Toxic Substances Control (DTSC) database, *EnviroStor*, which includes lists of hazardous materials sites compiled pursuant to California Government Code Section 65962.5, did not identify any sites on or adjacent to the project site that have used, stored, disposed of, or released hazardous materials.

- b) *Prior to 1992, aerially deposited lead (ADL) was utilized in gasoline. Contaminated soils can still be found along roadways.*

The project has been conditioned to require submittal of a Preliminary Soils Report to the Engineering Division of the Department of Public Works for review and approval, in accordance with Chapter 16.26 of the TCOC. The report shall be prepared by a qualified engineer. The soils report shall be prepared by a registered geotechnical or civil engineer and shall be based upon adequate observations and tests of the materials disclosed by appropriate test borings or excavations made within the boundary of the subdivision. There shall be a sufficient number of test borings to show the locations of significant classifications of soils within the subdivision.

- c) *If any structures or buildings are demolished, they should be inspected for hazardous materials.*

Prior to demolishing any structure greater than 50 years of age, the project proponent would be required to secure a demolition permit which must be reviewed by the Tuolumne County Demolition Committee. The demolition permit includes conditions to reduce the potential spread of hazardous substances during

demolition activities. The demolition also includes conditions to require proper disposal of waste generated by demolition activities.

- d) *Any imported soil used for future construction activities on site shall be free of contamination.*

Earthmoving and grading activities are subject to the provisions of Chapter 12.20 of the Tuolumne County Ordinance code. Any fill from off-site would be reviewed by the Engineering Division of the Department of Public Works.

- e) *If the project site was used for agricultural operations or weed abatement in the past, the site should be investigated for pesticides.*

The project has been conditioned to require submittal of a Preliminary Soils Report to the Engineering Division of the Department of Public Works for review and approval. See the response to paragraph 48(a) above for additional information.

43. No other comments were received during the circulation of the Mitigated Negative Declaration.

Adjoining Property Owners

44. Pursuant to Section 17.68.040 of the Tuolumne County Ordinance Code, owners of property located within 1,000 feet of the project site were notified of the proposed project by mail on January 14, 2015, September 11, 2017, February 14, 2019 and March 21, 2019 for project revisions.
45. Fourteen (14) property owners responded to this project, which include a detailed response objecting to the project which was signed in petition format by several property owners. Some of the comments as follows:

- **Wildlife Concerns:**

An adjoining property owner expressed concerns that the project would interfere with wild turkeys, deer herds, mountain lions and red foxes. The project proposes eight (8) parcels ranging in size from 10.0± acres to 14.3± acres. Approximately 21.5± acres of the site is proposed to be placed into O (Open Space) zoning to protect habitat values along riparian corridors, portions of oak woodland and cultural resources. The project, as proposed, is not expected to have a significant impact on special status species or native wildlife in the area. For further information, please see the Biological Resources Section of this document.

- **Premature removal of oak trees from the site:**

In 2008, a complaint was received from adjacent property owners that oak trees were being removed from the project site. The Community Development Department conducted a site inspection and documented the removal of several oak species on the site. On March 25, 2008, the County adopted a Premature Removal of Oak Trees Ordinance (2903) to address developers removing oak trees prior to submission of a development application. The application for the current entitlement was received on December 3, 2014, greater than five years from the date of removal of oak trees on the site. Therefore, there is no violation of the Premature Removal of Oak Tree Ordinance on the project site.

- **Not Consistent with the Tuolumne County General Plan or Ordinance Code:**

Please see Sections 7 through 12 above which discuss the General Plan and Ordinance Code.

- **Water well concerns:**

The project site is proposing the use of public water, provided by the Tuolumne Utilities District, to serve the residences. Wells could still be utilized for agricultural purposes on the site. Since Tuolumne County does not have one continuous aquifer for water storage, individual wells utilize water stored in fractured rock formations. The wells on the project site may be located in a rock formation separate from neighboring wells. The project site is currently being served by one on-site well. The Environmental Health Division of the Community Development Department oversees the placement and use of wells in Tuolumne County. All wells must meet Chapter 13.16 of the Ordinance Code.

- **Septic system contamination of surface and groundwater:**

The project proposes eight (8) parcels which could allow for a maximum of sixteen (16) residences on the 90.3± acre site. Each residence would be served by an on-site sewage disposal and treatment system.

Approximately 21.5± acres of O (Open Space) zoning is proposed on the project site, which includes building setbacks from the four intermittent streams on the site. The Ordinance Code requires setbacks of leach lines from surface water sources and water wells, to prevent contamination to the surface water or groundwater. For further information, please see the Utilities section of this document.

A Stormwater Pollution Prevention Plan (SWPPP) is required to be developed and submitted with the Notice of Intention (NOI) to obtain coverage under the General Construction Activity Storm Water Permit. The SWPPP includes Best Management Practices (BMPs), which will minimize stormwater runoff, erosion, and sediment movement during project construction. The SWPPP will also include BMPs for preventing the discharge of NPDES pollutants other than sediment (such as fertilizers, petroleum hydrocarbons, paint, etc.) to downstream waters. A condition will be added to Vesting Tentative Parcel Map T18-046 to ensure compliance with this regulation.

Based on the above and pursuant to implementation of the proposed conditions requiring the preparation of a SWPPP, the submittal of a NOI, and the enforcement of the County's Grading Ordinance, the project's impacts on hydrology and water quality would be less-than-significant. For further information, please see the Hydrology section of this document.

- **Traffic issues:**

The project is accessed via Campo Seco Road, a two-lane paved County maintained road which is classified as a minor collector road. Minor collectors generally serve lower density areas and, therefore, do not have the traffic volume that major collectors do. For more information, please see the Transportation/Traffic section of this document.

- **Noise issues:**

The project site is susceptible to noise emanating from vehicular traffic on Campo Seco Road and surrounding residential and agricultural land uses. For more information, please see the Noise section of this document.

- **The applicant should dedicate Open Space to protect the streams and historic sites:**

A total of 21.5± acres of O (Open Space) zoning is proposed as mitigation for potential project impacts to four unnamed intermittent stream, oak woodland and cultural resources on the site. The proposed Open Space zoning is 23% of the project site. Riparian vegetation, valley oak trees, blue oak trees and elderberries are included inside the O zoning.

Vesting Tentative Parcel Map T18-046 is proposed to be conditioned to include a requirement that each sale of a parcel created pursuant to these maps will be accompanied by a map or diagram illustrating the location of all areas zoned O (Open Space) on said parcel in order to

insure that each property owner is aware of the exact location of the open space, so that the open space can be preserved.

- The design of Lot 1 presents a significant health and safety issue since it would create a need for a driveway on Martin Lane, too close to other driveways:**
The project applicant is proposing that all parcels created by Tentative Parcel Map T18-046 be accessed by driveways from Campo Seco Road. A County encroachment permit is required for access onto Camp Seco Road, to ensure the placement of each driveway meets County standards and has a safe sight distance.
- The project description is inadequate and has cumulative impacts, because the project also includes two adjacent parcels, APNs 59-010-54 and 59-010-57, consisting of 112.85 and 104.4 acres, being converted from high value agricultural land to residential uses:**
The project site consists of Assessor's Parcel Number 59-010-56, which is 90.3± acres in size. The two other APN numbers listed above currently belong to owners not related to the owner of the project site. No application has been received for development of other than the 90.3± acre project site.
- This application requires the preparation of a full Environmental Impact Report:**
Section 21002.1(a) of the *State Public Resources Code* states that *the purpose of an Environmental Impact Report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.* The California Environmental Quality Act (CEQA) defines a significant environmental impact as that in which adverse environmental consequences have the potential to be significant according to the threshold criteria identified for the resource, even after mitigation strategies are applied and/or an adverse effect that could be significant and for which no mitigation has been identified. If any potentially significant impacts are identified, an Environmental Impact Report (EIR) must be prepared in accordance with the *California Environmental Quality Act (CEQA)*.

For a potentially significant adverse environmental impact related to a proposed project, the consequences of the impact can become less-than-significant by utilizing mitigation strategies that are incorporated into the project as a Condition of Approval.

Section 21064.5 of the *State Public Resources Code* states that a "*Mitigated Negative Declaration*" means a *Negative Declaration prepared for a project when the Initial Study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects to the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.*

Section 21080(e) of the *State Public Resources Code* states that *substantial evidence includes fact, a reasonable assumption predicted upon fact, or expert opinion supported by fact. Substantial evidence does not include argument, speculation, unsubstantiated opinion, narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts to the environment.*

If potentially adverse environmental impacts can be mitigated to less-than-significant levels with mitigation, then a Mitigated Negative Declaration can be prepared that includes the preparation of an Initial Study document along with certain mitigation measures. Based upon the project proposal, potential impacts that were identified, existing regulations, and mitigation measures described, the Environmental Coordinator has recommended approval of a Mitigated Negative

Declaration for this project. The Mitigated Negative Declaration being prepared for the proposed project includes an Initial Study and proposed mitigation measures.

PREPARED BY:Renee Hendry, Environmental Analyst

CONDITIONS OF APPROVAL

KAHL

VESTING TENTATIVE SUBDIVISION MAP T18-046

General Conditions:

1. LU As a condition of the grant of approval of the tentative map, and as continuing condition of approval of the parcel or final map (as applicable), Subdivider shall defend, indemnify, and hold harmless the County of Tuolumne, its officers, agents, and employees from any and all claims, actions, proceedings, or liability (including any attorney’s fees and costs awards) arising out of the acts or omissions of Subdivider, its agents, employees, or contractors, or seeking to attack, set aside, void or annul, a County approval concerning the subdivision. With respect to acts or omissions of the Subdivider, its agents, employees, or contractors, its obligation hereunder shall apply regardless of whether the County prepared, supplied, or approved plans, specifications or both. With respect to the County’s approval, this obligation shall also extend to any contention the subdivision approval is defective because a county ordinance, resolution, policy, standard, or plan is not in compliance with local, state or federal law. If the defense right is exercised, the County Counsel shall have the absolute right to approve any and all counsel employed to defend the County. To the extent the County uses any of its resources to respond to such claim, action or proceeding, or to assist the defense, the Subdivider will reimburse County upon demand. Such resources include, but are not limited to, staff time, court costs, County Counsel’s time at its regular rate for non-County agencies, or any other direct or indirect cost associated with responding to, or assisting in defense of, the claim, action, or proceedings. With respect to the County’s approval, this obligation applies only to actions or proceedings brought within the time period provided for in Government Code Section 66499.37 and is conditioned on the County promptly notifying the Subdivider of any claim, action, or proceeding and cooperating fully in the defense. For any breach of this obligation the County may, without notice, rescind its approval of the application or project to which this covenant/condition is attached. (TCOC, Section 16.06.090)

2. ED A Grading Permit shall be obtained from the Engineering Division of the Department of Public Works prior to any excavation or earthmoving associated with this project. (TCOC, Section 12.20.050)

Prior to issuance of a Grading Permit or Construction the following conditions shall be met:

3. SUR/LU 21.5± acres of O (Open Space) zoning shall be adopted by the Board of Supervisors pursuant to the Open Space Exhibit Map dated June 3, 2019. (CEQA Section 15041, [Initial Study, "Biological Resources" and "Cultural Resources"])

4. ED/BD Submit a Preliminary Soils Report to the Engineering Division of the Department of Public Works for review and approval. The report shall disclose any soils problems that may lead to structural defects. The report should recommend cut and fill ratios, erosion control measures and a typical road structural section for the soils encountered. The report shall be prepared by a registered civil engineer. (TCOC, Section 16.26.150)

- 5. ED If any grading work is proposed to be undertaken by this project, a pre-construction meeting shall be held prior to commencement of any grading on site. The meeting shall be attended by contractors involved in site development, the property owners and affected County departments. (TCOC, Section 16.06.090)
- 6. ED If any grading work is proposed to be undertaken by this project, submit a grading plan to the Engineering Division of the Department of Public Works for review and approval. (TCOC, Title 12)
- 7. ED Provide the Engineering Division of the Department of Public Works proof of access to the real property by a deeded or dedicated road and public utility easement no less than 40 feet in width and of sufficient width to accommodate an area extending to 5 feet beyond cuts and fills. (TCOC, Section 16.26.150)
- 8. ED A Road Encroachment Permit shall be obtained from the Engineering Division of the Department of Public Works for work within or access onto the County road right-of-way of Campo Seco Road or Campbells Flat Road for the following:
 - a. The new proposed access driveways onto Campo Seco Road.
 - b. The existing encroachment serving the residence located on proposed Parcel 5 shall be improved to meet Title 12 standards. (TCOC, Section 12.04.010)
- 9. ED A utility encroachment permit shall be obtained from the Engineering Division of the Department of Public Works for utility placement with any County maintained road. (TCOC, Section 12.04.010)
- 10. ED Utility improvement plans shall be submitted to the Roads Division of the Department of Public Works for review and approval. (TCOC, Titles 12, 13 and 16)

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

- 11. SUR The Final Map shall meet all requirements mandated by federal, state or local law. Federal or state law may require additional obligations beyond that required by these conditions or local requirements, including additional analysis of environmental or other issues, over which the County has no control. (TCOC, Section 16.02.040)
- 12. SUR/ED The following easements shall be dedicated for public use:
 - a. For subdivisions where utilities are required to be dedicated overhead, public utility easements shall be 8 feet in width along interior lot lines, 16 feet in width along the exterior boundary and 8 feet wide public utility easement parallel to the roadway.
 - b. Road and Public Utility Easement 32-feet in width from the existing centerline right-of-way along Campo Seco Road as it abuts the property.
 - c. The required drainage easements shall be shown on the map.

(TCOC, Sections 16.26.160 and 16.26.180)

- 13. SUR/LU The property owner shall dedicate an area of 0.16± acre for recreation on the site to satisfy the recreation requirements of Section 16.26.120 of the Tuolumne County Ordinance Code. As an alternative to the dedication for recreation on the site, the property owner may pay an in-lieu recreation fee using the following formula:

 Number of housing units (16) x .01 x average assessed market price per acre based upon the tentative map and the appraisal by the County Assessor up to the limits set forth in Section 66477 of the Subdivision Map Act. (TCOC, Section 16.26.120)

- 14. SUR/ED Submit a letter from a licensed surveyor or registered civil engineer containing demonstrated proof that driveways can be constructed from the access road to each building site or parcel to the standards specified in Title 11 of the Tuolumne County Ordinance Code. The plan/letter shall identify the proposed location of each driveway. (TCOC, Section 16.26.140(E))

- 15. FPD The project site is located in an area that is rated as a very high fire hazard by the California Department of Forestry and Fire Protection (CalFire). The fire hazard shall be reduced through a fuel modification program approved by the Tuolumne County Fire Prevention Division. The fuel modification program shall provide for the reduction of flammable vegetation by the thinning of brush, small trees and the removal of piles of dead brush from the project site. Fuel modification shall not occur within the portions of the site zoned O (Open Space). The fuel modification plan shall be completed by the property owner and inspected by the Fire Prevention Division prior to approval of the Final Map. (TCOC, Section 15.20.060)

- 16. SUR/FPD Defensible space building setbacks of 30 feet shall be established from all property boundaries. All existing parcel boundaries, proposed parcel boundaries and building setbacks shall be recorded and shown on the Final Map in order to ensure minimum defensible space around existing and future structures on the proposed parcels. (TCOC, Section 15.20.060)

- 17. FPD The following statement shall be recorded on the final map: “Modification to Defensible Space Building Setbacks may be made prior to securing a Building Permit subject to approval of the Tuolumne County Fire Prevention Division.” (TCOC, Section 15.20.060)

- 18. SUR All existing utilities and facilities shall be shown on the final map. (TCOC, Section 16.26.080)

- 19. SUR/EH Drainage Protection Areas shall be shown on the final map as required by the Environmental Health Division. (TCOC, Section 13.04.060)

- 20. ED Easements for all existing utilities and facilities shall be shown on the final map. (TCOC, Title 16)

- 21. ED Drainage easements shall be shown on the final map, as follows: 15-foot-wide easements shall be centered on all drainages. (TCOC, Section 16.26.180)

- 22. SUR/LU All parcels zoned A-10 (General Agricultural, Ten Acre Minimum) shall be no less than 10 gross acres in area. (TCOC, Section 17.12.040)
- 23. SUR/EH Sanitary setback lines shall be shown on the final map as required by the Environmental Health Division. (TCOC, Section 13.04.060)
- 24. SUR/EH Drainage Protection Areas shall be shown on the final map as required by the Environmental Health Division. (TCOC, Section 13.04.060)
- 25. EH Site and Soil testing shall be completed for Lot 7 to ensure the requirements of Chapter 13.04 can be met for the placement of an on-site sewage treatment and disposal system. (TCOC, Section 13.04.030)

The following improvements shall be completed prior to approval of the Final Map, or the developer shall execute a subdivision agreement in accordance with Section 16.06.110 of the TCOC and provide security to guarantee completion of such improvements. The amount of such security shall be 100 percent of the estimated cost of monumentation and 175 percent of the estimated cost for all other improvements:

- 26. SUR/ED All parcels shall be provided public water for domestic purposes by the Tuolumne Utilities District (TUD). Public water service pipelines shall be stubbed to each parcel requiring such service. (CEQA Section 15041, [Initial Study, "Utilities"])
- 27. ED All water, sewer or other utility improvements shall be installed in accordance with the plans approved by the Engineering Division of the Department of Public Works referenced in Condition 12. (Title 12, 13 and 16)
- 28. SUR All property corners shall be monumented as required, including the right-of-way line of Campo Seco Road as it abuts the property. (TCOC, Section 16.26.100)
- 29. ED Road encroachments shall be installed in accordance with the plans approved by the Engineering Division of the Department of Public Works and Encroachment Permit provisions referenced in Condition 9. (TCOC, Section 12.04.020)

The following conditions also apply to this project:

- 30. BD The applicable Traffic Impact Mitigation Fee shall be paid to Tuolumne County prior to issuance of a Blue Tag or prior to close of escrow if an escrow account has been established prior to issuance of a Building Permit for any new residential construction on a parcel created pursuant to this map. (TCOC, Chapter 3.54)
- 31. BD The applicable County Services Impact Mitigation Fee shall be paid to Tuolumne County or a waiver secured from the Community Development Department for the provision of affordable housing prior to issuance of a Blue Tag or prior to close of escrow if an escrow account has been established prior to issuance of a Building Permit for any new residential construction on a parcel created pursuant to this map. (TCOC, Chapter 3.50)
- 32. EH Development on each proposed parcel shall comply with Chapters 13.04, 13.08 and 13.16 of the Tuolumne County Ordinance Code regarding permitting,

construction and maintenance of on-site wastewater treatment and disposal systems and water wells. (TCOC, Chapters 13.08 and 13.16)

- 33. ED/BD Hours of exterior construction on the project site shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday. Exterior construction shall be prohibited on Sunday and County Holidays. (CEQA, Section 15041, [Initial Study, "Noise"])
- 34. ED An Erosion Control Plan shall be submitted for approval and shall be implemented for any construction to take place between October 15 and May 15 of any year. In the absence of such plan, all construction shall cease on or before October 15, except that necessary to implement erosion control measures. (TCOC, Title 12.20)
- 35. ED All soils disturbed by grading shall be reseeded or hydromulched as soon as possible and before October 15 of the construction year. Emergency erosion control measures shall be utilized as requested by County officials. (TCOC, Sections 12.20.310 and 12.20.320)
- 36. LU/ED/BD All O (Open Space) zoning within fifty (50) feet of any construction activity, including equipment travel or storage or materials storage, shall be delineated by orange construction fencing prior to and during all earthmoving and construction activities on the project site. (CEQA, Section 15041, [Initial Study, "Biological Resources"])
- 37. LU/ED If disturbance within the Open Space does occur, the applicant or property owners will be required to submit a restoration plan to the Land Use Division of the Community Development Department and revegetate the Open Space to its pre-construction condition. The restoration report shall be prepared by the project biologist. The applicant or property owners shall contact the Land Use Division to schedule an inspection once the restoration work is completed. (CEQA, Section 15041, [Initial Study, "Biological Resources"])
- 38. LU To reduce impacts to water quality, no aerial spraying of herbicides which effect aquatic organisms, shall occur within the Open Space zoning. Other methods of weed management are permitted, such manual clearing, or other non-toxic methods. (CEQA, Section 15041, [Initial Study, "Biological Resources"])
- 39. LU Prior to disturbance of any areas zoned O (Open Space), a Conditional Use Permit shall be obtained from the Land Use Division of the Community Development Department. (CEQA, Section 15041, [Initial Study, "Biological Resources"])
- 40. LU The property owner shall obtain a permit from the Army Corps of Engineers and Streambed Alteration Agreement from the California Department of Fish and Game if required by either agency prior to disturbance of any wetland area or streambed located on the project site. (CEQA, Section 15041, [Initial Study, "Biological Resources"]; Fish and Game Code, Section 1603)
- 41. LU Pre-construction surveys for burrowing owls will be conducted in accordance with the Department of Fish and Wildlife's survey and mitigation protocol. No less than 14 days prior to construction or grading/site preparation activities that would occur during the nesting/breeding season of burrowing owls (February 1st through August 31st), the applicant shall have a survey conducted

by a qualified biologist to determine if active burrowing owl nests protected by the California Fish and Game Code are present in the construction zone or within 300 feet of the construction zone. Construction can proceed if no active owl nests are located during this survey. If an active nest is found during the survey, a 500-foot (this distance may vary depending on the bird species and construction activity, as determined by the biologist) fence barrier (subject to the review and approval of a qualified biologist) shall be erected around the nest site and clearing and construction within the fenced area shall be postponed or halted, at the discretion of the biological monitor, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The biologist shall serve as a construction monitor during those periods when construction activities shall occur near active nest areas to ensure that no inadvertent impacts on these nests shall occur. (CEQA, Section 15041, [Initial Study, "Biological Resources"])

42. LU Prior to commencing grading or construction work on the project site between February 1st and August 31st, a survey shall be completed by a qualified biologist to include examination of all nesting habitat for migratory non-game birds and raptors. The survey shall include the entire project site and areas within 500 feet of the project site boundary to the extent these areas can be viewed without trespassing on private property. The survey shall be conducted not more than 15 days prior to commencement of construction. If nesting non-listed raptors are identified during the surveys, a no disturbance buffer of at least 500 feet around the nest tree shall be delineated and observed. If active nests of migratory birds are identified by the survey, a no disturbance buffer of at least 250 feet around the nest shall be delineated and observed. No construction activities shall occur within the buffer area until it is determined by a qualified biologist that the young have fledged (left the nest) and are no longer reliant upon the nest or parental care for survival. If the survey identifies an active nest of a listed species, no construction activities associated with the project shall commence until after consultation with the California Department of Fish and Wildlife and implementation of appropriate avoidance measures have been implemented and approved by the Department of Fish and Wildlife. Stakes, and/or construction fencing should be used to demarcate the inside boundary of the buffer of 300 feet (or 500 feet) between the project activities and the nest. Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. The biological monitor should provide Tuolumne County Community Development Department with the results of the survey and recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of bird species. (CEQA, Section 15041, [Initial Study, "Biological Resources"])

43. LU Prior to any construction, excavation, tree removal or grading activities on the project site, a bat survey shall be conducted by a qualified biologist within 10 days of beginning of activities, to ensure no bats are in the trees or rock crevices near the area of proposed disturbance on the project site. Should bats be observed within 100 feet of the area of proposed disturbance, a qualified biologist shall conduct focused surveys to establish species usage and seasonal usage. The surveys shall be conducted during all dusk emergence and pre-dawn reentry within one 24-hour time period. If bat roosting sites are found, a no-disturbance buffer of

100 feet shall be delineated around each roosting site. New roosting site(s) shall be installed, and no activities will occur until a qualified biologist has determined that the bats have relocated to the new site. Should a listed species be discovered by the survey, no ground disturbing activities shall occur until consultation with the California Department of Fish and Wildlife and after implementation of appropriate avoidance measures. Pre-construction surveys shall be submitted to the Community Development Department for review and approval. (CEQA, Section 15041, [Initial Study, "Biological Resources"])

44. LU/ED All grading and construction activities, including roads, utilities, and buildings, shall be setback at least 1.5 times the dripline of any old growth oak tree larger than 24 inches diameter at breast height (dbh). (CEQA, Section 15041, [Initial Study, "Biological Resources"])

45. LU If any Old Growth Oaks are removed on the project site, a fee shall be paid to the Tuolumne County Oak Woodlands Conservation Fund using the following formula:

$$\text{Fee} = \text{number of old growth oaks impacted} \times 0.5 \times \text{current land value}$$

The current land value used for the purposes of the fee shall be based upon the land value of one acre of agricultural land as determined by the County Assessor based upon the sales of parcels no larger than forty (40) acres in size during the previous twelve-month period. On July 1st of each year the fee will be modified by the County Assessor to correspond to the land value of one acre of agricultural land meeting the criteria stated above. The land value is currently determined to be \$6,100 per acre based upon land value information provided by the County Assessor. (CEQA, Section 15041, [Initial Study, "Vegetation"])

46. LU/BD Exterior lighting of parking areas and structures, if provided, shall be designed (aimed down and towards the site) to provide adequate illumination without a glaring effect. Exterior lighting shall be low level, low intensity and shielded to prevent glare to surrounding parcels and adjacent roadways. Guidance may be found at <http://www.darksky.org/> the website of the International Dark Sky Association. (CEQA, Section 15041, [Initial Study, "Aesthetics"])

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

48. FPD Where residential dwellings are less than 150 feet from the roadway, the driveway grade may exceed 16% to a maximum 22%, but the driveway shall be paved with asphalt concrete or concrete. In addition, a parking bay at least 10 feet wide and 40 feet long and surfaced in the same manner as the adjacent road shall be provided at road grade. (TCOC, Section 11.12.060(B))

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

- 50. FPD For any driveway that exceeds 300 feet in length, a turning bulb or a circular driveway with a minimum outside radius of 40 feet shall be provided within 50 feet of all building sites. (TCOC, Section 11.12.060(C))
- 51. FPD For any driveway that exceeds 150 feet in length, turnouts shall be provided at the midpoint for driveways between 150 feet and 800 feet in length, or at 400-foot intervals for driveways over 800 feet in length. Turnouts shall be a minimum of 10 feet in width and 30 feet in length with 25-foot tapers at each end. (TCOC, Section 11.12.060)
- 52. ED All driveways shall meet the safe sight distance requirement required by Chapter 12.04 of the Tuolumne County Ordinance Code. (TCOC, Chapter 12.04)
- 53. FPD Residential gates providing access from a road to a driveway shall be located at least 30 feet from the roadway edge, the gate entrance shall be two feet wider than the width of the traveled way, and the gate shall open away from the roadway. The existing agricultural gate on Campo Seco Road can remain as currently installed. (TCOC, Section 11.12.062)
- 54. ED Streets, alleys or highways within rights-of-way dedicated for public use shall not be gated, barricaded or obstructed in any manner. (TCOC, Section 17.56.110; CFC, Section 902.2.4.2)
- 55. FPD Address numbers shall be displayed on a building or land in such a manner as to be visible from the street or road on which the building or land fronts. Where the building is located more than 50 feet from the main roadway, the number shall be displayed at the entrance of the driveway and be readable from both directions. The size of letters, numbers, or symbols for addresses shall be a minimum four-inch letter height but shall not exceed twelve inches in height, one-half inch stroke, reflectorized, and contrasting with the background color of the sign or structure on which it is displayed. All numbers or signs shall be maintained in a neat and orderly manner so as to remain readable. (TCOC, Sections 12.12.808(A)(1) and 12.12.080(A)(4); CFC, Section 901.4.4)
- 56. APCD/FPD Secure burning permits from the Tuolumne County Air Pollution Control District and the California Department of Forestry and Fire Protection (CalFire) prior to burning vegetation on the site. (TCAPCD Rules and Regulations, Regulation III)
- 57. FPD The wildland fuel reduction described in the fuel modification program approved by the Tuolumne County Fire Prevention Division for this project, referenced in Condition 19, shall be maintained by the owner of each parcel created pursuant to this map.

MONITORING PROVISION: The Tuolumne County Fire Department or the California Department of Forestry and Fire Protection (CalFire) may conduct periodic inspections to verify compliance with the fuel modification program. Parcel owner shall, at County request, submit an annual statement verifying compliance with this condition. Failure to return the requested statement of compliance shall make the homeowner liable to receive a random site inspection verifying compliance. Confirmed noncompliance may result in a penalty fee assessed on the parcel owner's property taxes or issuance of a citation. (PRC, Section 21081.6)

- 58. FPD/BD Defensible Space of 100 feet or to the property boundaries, whichever is less, shall be maintained in order to ensure a minimum defensible space for fire protection around all buildings. This condition does not apply to single specimens of trees, ornamental shrubbery, or similar plants, which are used as groundcover. Trees do not need to be removed but must be limbed up to six to eight feet above ground level, provided that the pruning of live branches does not extend up the bole more than one-half the height of the tree or remove more than one-third of the live crown. (TCOC, Section 15.20.060, PRC, Section 4291)

- 59. LU Defensible space clearing may occur within the area zoned O (Open Space). Defensible space vegetation removal within the O (Open Space) district shall be limited to that required by the Fire Prevention Division. (CEQA Section 15041, [Initial Study, "Biological Resources"])

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

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)

- 61. LU Construction personnel shall be trained by a qualified archeologist of the types of cultural resources they may encounter and the laws protecting those resources. (CEQA Section 15041, [Initial Study, "Cultural Resources"])
- 62. LU All parcels created pursuant to this map shall adhere to the following fencing restrictions in the Open Space zoning district:
 - a. Barbed wire fence shall be limited to five or fewer strands, with no strand lower than 16 inches or higher than 48 inches above the ground;
 - b. Hogwire fences shall only be allowed if needed for livestock; and
 - c. Deer-proof fences, such as 6-foot solid wood fences, shall only be allowed around homesites and adjacent gardens and animal enclosures.

(TCWH, Chapter III, Mitigation Measure L7)
- 63. 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. (CEQA, Section 15041 [Initial Study, "Biological Resources"])
- 64. 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. (CEQA, Section 15041 [Initial Study, "Biological Resources"])
- 65. AG All materials 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. (CEQA, Section 15041 [Initial Study, "Biological Resources"])

- 66. 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. (CEQA, Section 15041 [Initial Study, “Biological Resources”])

- 67. ED/BD Property owner shall be responsible for dust abatement during construction and development operations. A water truck or other watering device shall be on the construction site on all working days when natural precipitation does not provide adequate moisture for complete dust control. Said watering device shall be used to spray water on the site at the end of each day and at all other intervals, as need dictates, to control dust. (TCOC, Section 12.20.330)

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

- 69. LU Each sale of a lot created pursuant to Tentative Subdivision Map T18-046 shall be accompanied by a map or diagram illustrating the location of all areas zoned O (Open Space) on said lot. (CEQA Section 15041, [Initial Study, “Biological Resources”])

- 70. BD/LU Residences on the project site shall not utilize fuel oil as a heating source. (CEQA, Section 15041, [Initial Study, “Greenhouse Gas Emissions”])

- 71. BD/LU Residences on the project site shall obtain garbage collection services with a container for household waste and a container for recyclables. All green waste shall be taken to the Earth Resources Facility or another County approved facility. If green waste collection is offered in the future, this service shall be utilized. [Initial Study, “Greenhouse Gas Emissions”]; TOC, Section 17.68.150)

- 72. LU Setbacks of 200 feet from Assessor’s Parcel Number 59-010-54 shall be required for non-agricultural structures, as long as this parcel is designated as Agricultural (AG) by the Tuolumne County General Plan. This setback may be reduced with recommendation of the Agricultural Advisory Committee and approval of the Director of the Community Development Department. [Initial Study, “Agricultural and Forestry Resources”]; TOC, Section 17.68.150)

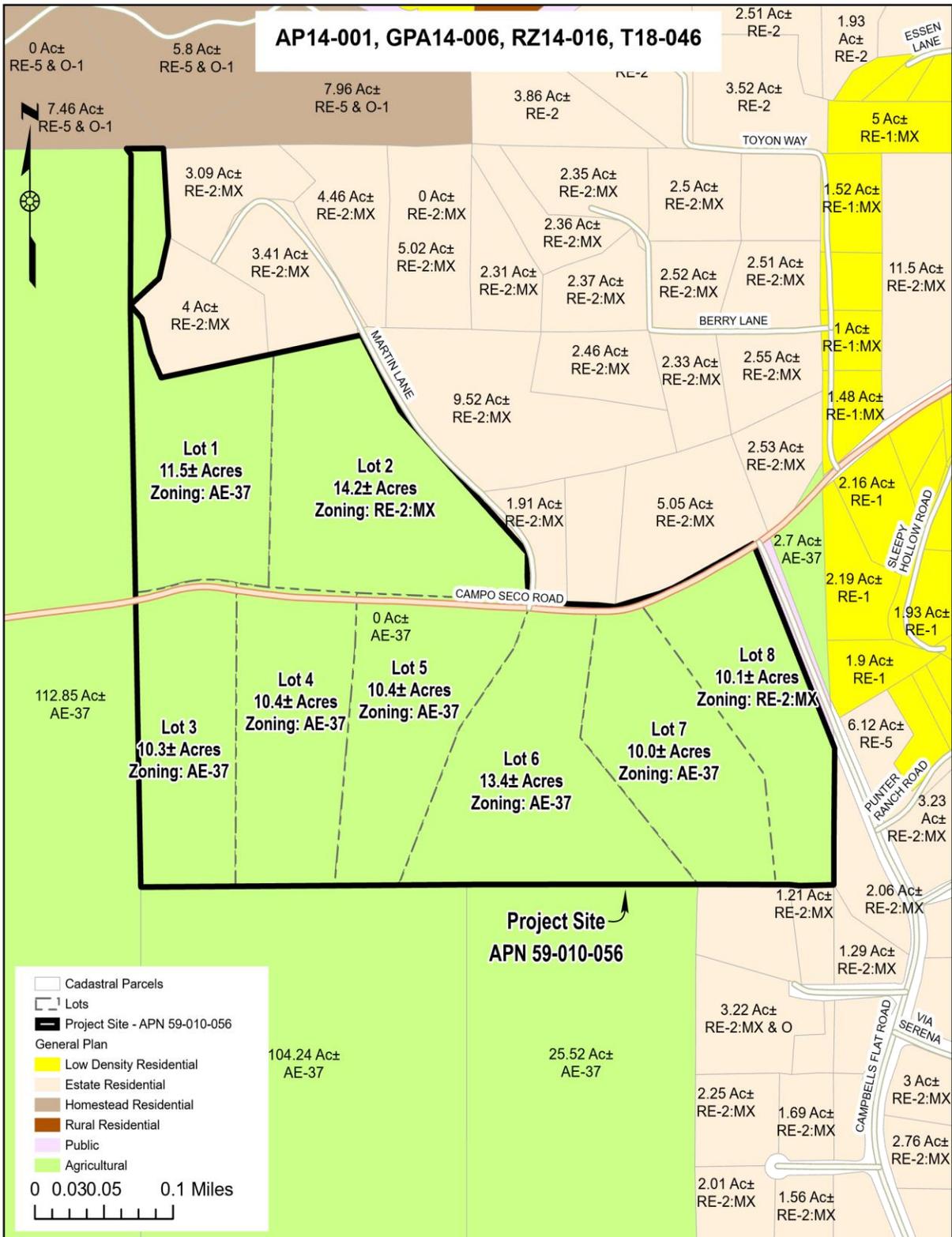
- 73. LU All existing ranch roads in the proposed Open Space zoning will be allowed to continue to exist and be maintained; however, the roads may not be enlarged. One driveway and utility crossing to serve each proposed parcel may cross the Open Space zoning district. Cattle and other livestock shall be allowed to continue to graze in the Open Space zoning district and access water through the Open

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

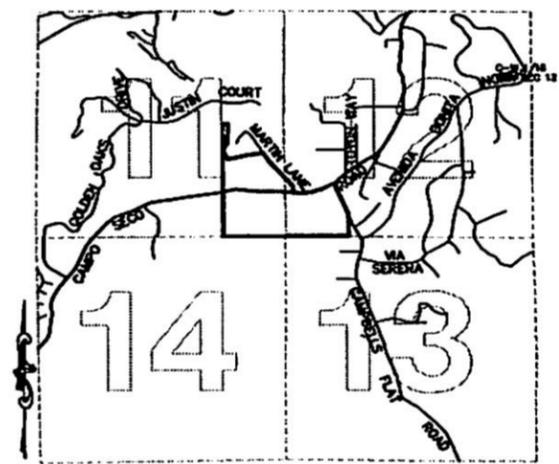
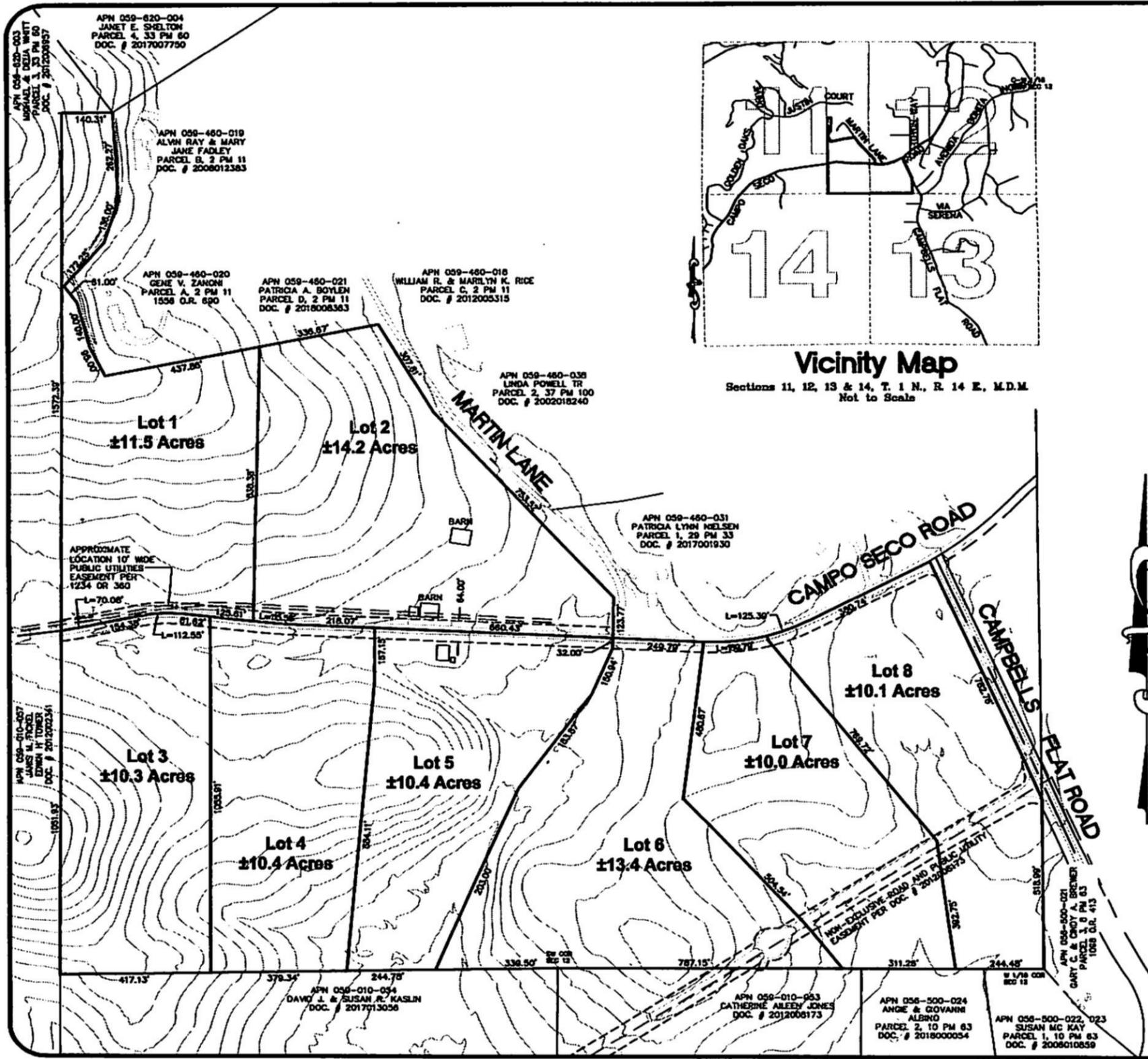
74. LU The Martin residence, tank house, two barns and equipment garage will be required to obtain a Historic Conditional Use Permit, with review by the Tuolumne County Historic Preservation Review Commission, prior to exterior changes to these structures. Exceptions to the requirement for a Use Permit are as follows:
- A. Ordinary maintenance and repair of any building, structure, object, or site which does not involve a change in design, a change in exterior materials or a substantial change in appearance.
 - B. Replacement of doors, windows, roofs, or other exterior features with features of the same size, like material or like appearance.
 - C. Repainting buildings, structures, objects, or sites in colors pre-approved by the Historic Preservation Review Commission, or colors similar to the existing color palate.
 - D. Construction or alteration which had been determined by the Director to be necessary to protect public health or safety.
- (CEQA Section 15041, [Initial Study, "Cultural Resources"])

MONITORING PROVISION: A Notice of Action shall be recorded for Conditions 1 and 2, and 30 to 74 to notify all owners of this parcel of the conditions of this entitlement and these responsibilities. Any violations observed by the Community Development Department during regular site inspections or in response to complaints shall be referred to the agency having jurisdiction over the condition for resolution or referred to the Code Compliance Officer for enforcement. (PRC, Section 21081.6)

F:\Planning\PROJECTS\General Plan Amendment\2014\GPA14-006(1) Kahl (RZ14-016(1), AP14-001(1), T18-046)\CEQA Documents\Agenda Report.doc







Vesting Tentative Subdivision Map, General Plan Amendment and Zone Change Plat

Being a subdivision of Parcel 4 as described in the Certificate of Compliance recorded as Doc. # 2005027558 on file in the Office of the Tuolumne County Recorder, lying within portions of the SE 1/4 of Section 11, and the SW 1/4 of Section 12, Township 1 North, Range 14 East, Mount Diablo Meridian, in the unincorporated area of Tuolumne County, State of California.

SCALE 1" = 200'	JOB NO. 0564	FILED 0564-TPM	Golden State SURVEYING & ENGINEERING INC 488 South Stewart Street Sonoma, California 95370
DATE 01/29/2019	DRAWING FILED 0564TPM-P4	CHECKED BY RLD	

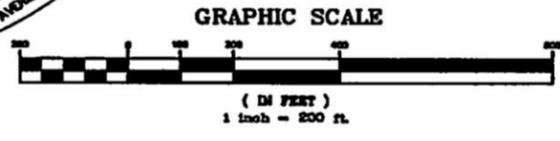
GENERAL INFORMATION

**Owner/
 Applicant:** Frederick & Kathleen Kahl
 11247 Campo Seco Road
 Sonoma, CA 95370
 (209)

**Surveyor /
 Applicant:** Robert L. Osborn LS 5808
 Golden State Surveying Engineering
 13775A Mono Way # 191
 Sonoma, CA 95370
 (209) 633-4707

A. P. No.: 059-010-66
E. Zoning: AE-37
P. Zoning: A-10
E. General Plan: AG
P. General Plan: LR
Deed Reference: Doc. # 2014008508
Map of Record: N/A
Total Area: ±91 Acres
Water Service: Tuolumne Utilities District
Sewer Service: Individual Private Septic System
Fire Service: ±3 Mi. to Jamestown Fire

NEAREST FIRE
 HYDRANT ±750 FEET
 FROM PROJECT



Legend

- FENCE: RETURNING WALL, CURB AND CUTTER, WATER, WASHOUT WALL, MEDIAN BARRIERS
- PHOTO CENTER
- FIRE HYDRANT
- SEWER
- DRAIN INLET
- DIRT ROAD
- PAVED ROAD
- GUARD RAIL
- WORLD VERT. CONTROL
- BLUSH
- TREE
- CLVERT ROAD
- POWER POLE
- STREET LIGHT
- MARKER

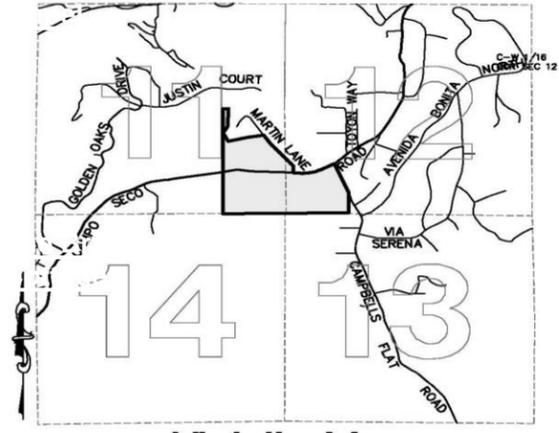
GeoMaps, LLC
 3330 MATHER FIELD ROAD
 SUITE A
 RANCHO CORDOVA, CA 95370
 TEL (916) 361-9133 FAX (916) 361-9517

CLIENT GOLDEN STATE SURVEYING & ENGINEERING
LOCATION MATHEWS RANCH, JAMESTOWN, CALIFORNIA
JOB NO. 34435
PHOTO NO. 34435
SCALE 1" = 200' 10' CL. PHOTO DATE 10/17/2012

Proposed Open Space Exhibit Map

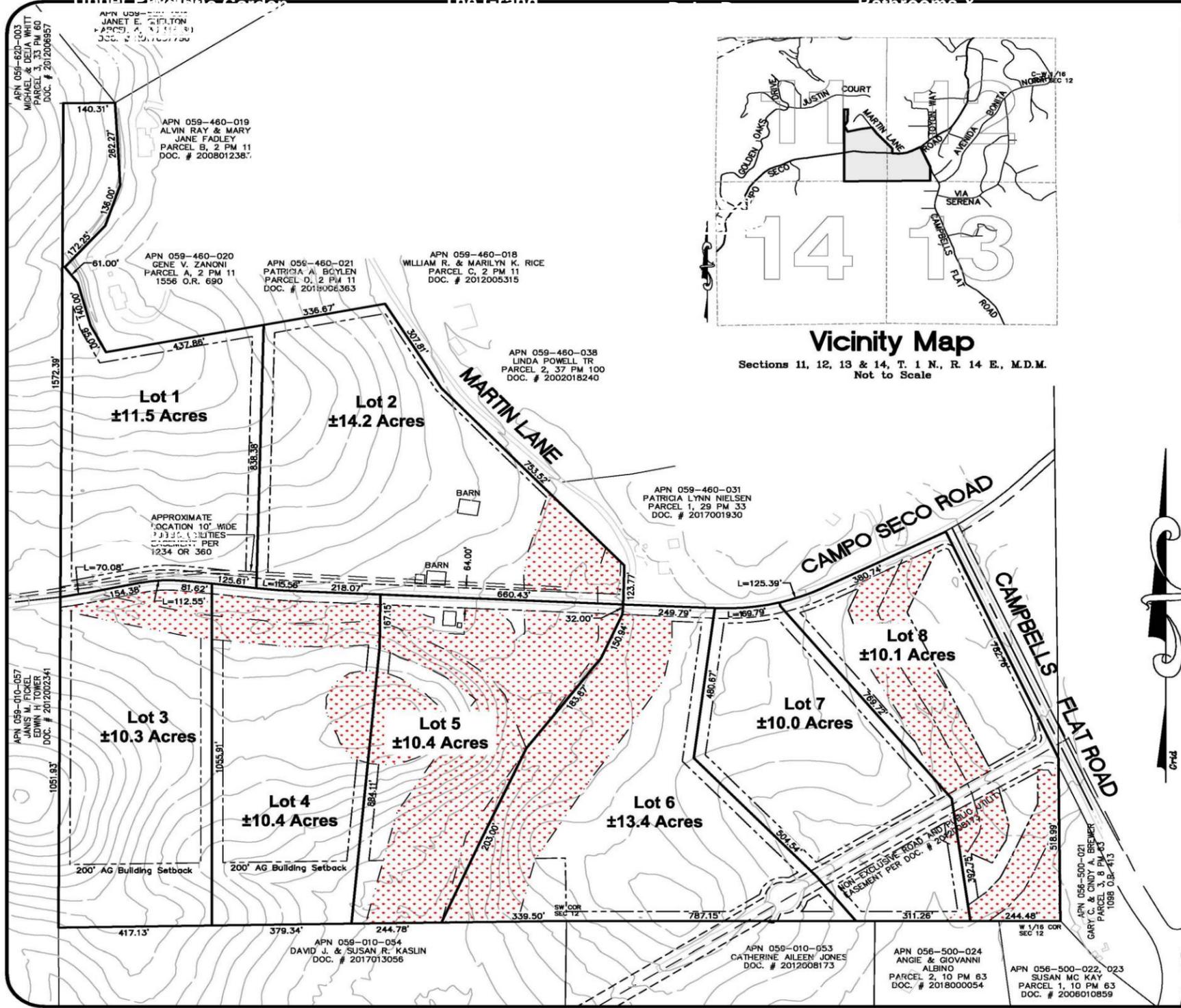
Being a subdivision of Parcel 4 as described in the Certificate of Compliance recorded as Doc. # 2005027558 on file in the Office of the Tuolumne County Recorder, lying within portions of the SE 1/4 of Section 11, and the SW 1/4 of Section 12, Township 1 North, Range 14 East, Mount Diablo Meridian, in the unincorporated area of Tuolumne County, State of California.

SCALE: 1" = 200'	JOB NO: 0564	FILED: 0564-TPM	Golden State SURVEYING & ENGINEERING INC 488 South Stewart Street Sonora, California 95370
DATE: 06/03/2019	DRAWING FILE: 0564TPM-P4	CHECKED BY: RLO	



Vicinity Map

Sections 11, 12, 13 & 14, T. 1 N., R. 14 E., M.D.M.
Not to Scale



LEGEND

- PROPOSED OPEN SPACE
- 30' BUILDING SETBACK OR AS NOTED 200' AG BUILDING SETBACK

GENERAL INFORMATION

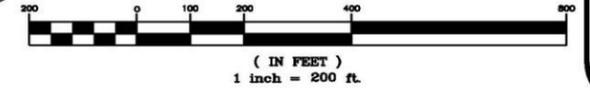
Owner/ Applicant: Frederick & Kathleen Kahl
11247 Campo Seco Road
Sonora, CA 95370
(209)

Surveyor / Applicant: Robert L. Ozbirn LS 5808
Golden State Surveying Engineering
13775A Mono Way # 191
Sonora, CA 95370
(209) 533-4797

A. P. No.: 059-010-56
E. Zoning: AE-37
P. Zoning: A-10
E. General Plan: AG
P. General Plan: LR
Deed Reference: Doc. # 2014008508
Map of Record: N/A
Total Area: ±91 Acres
Water Service: Tuolumne Utilities District
Sewer Service: Individual Private Septic System
Fire Service: ±3 Mi. to Jamestown Fire

NEAREST FIRE HYDRANT ±750 FEET FROM PROJECT

GRAPHIC SCALE



Legend

- FENCE
- RETAINING WALL
- CURB and GUTTER
- WATER
- MASONRY WALL
- MEDIAN BARRIER
- PHOTO CENTER
- FIRE HYDRANT
- SIGN
- DRAIN INLET
- DIRT ROAD
- PAVED ROAD
- GUARD RAIL
- HORIZ. VENT. CONTROL
- BRUSH
- TREE
- CULVERT HEAD
- POWER POLE
- STREET LIGHT
- MANHOLE

GeoMaps, LLC
3330 MATHER FIELD ROAD
SUITE A
RANCHO CORDOVA, CA 95670
TEL (916) 361-9133 FAX (916) 361-9517

CLIENT GOLDEN STATE SURVEYING & ENGINEERING
LOCATION MATHOS RANCH, JAMESTOWN, CALIFORNIA
JOB NO. 34435
PHOTO NO. 34435
SCALE 1"=200' 10' C.L. PHOTO DATE 10/17/2012



MARTIN RESIDENCE



HISTORIC BARN ON THE SITE

2. This property was out of the previous Williamson Act land conservation contract in December 2016. The property is still located inside Agricultural Preserve 138. The proposed land division would require altering the Agricultural Preserve to remove the property from the Preserve.
3. The Tuolumne County Wildlife Maps indicate that the wildlife habitat on the project site consists mainly of annual grassland (ags) and approximately 16.5± acres of residential-park (rsp). However, a site inspection observed the presence of blue oaks, interior live oaks, and valley oaks along an intermittent stream.
4. There is an intermittent stream and several ephemeral streams on the site. The Jamestown Ditch is located near the northwestern property boundary. There is an existing old farmhouse along Campo Seco Road and two old barns on the site. These structures are over 50 years in age.
5. No known special status species of animals have been observed on the site; however, the Coopers Hawk, Golden Eagle, and Rufous Hummingbird have been observed within one mile of the site. A special plant known as the Mariposa cryptantha has also been observed within one mile of the site.

In accordance with Section 15063(g) and 15044 of the "State EIR Guidelines" as adopted by Tuolumne County, we are offering you the opportunity to comment on this project. Please complete the following and return no later than **March 6, 2019**.

RECEIVED

MAR 12 2019

Staff Contact: Renee Hendry, Planner
 (209) 533-5633
rhendry@co.tuolumne.ca.us

COUNTY OF TUOLUMNE
 Community Resources Agency

AGENCY: *I have lived here since 1977 - 42 years - I've*

COMMENTS: *are here in herds of up to 16-20; wild turkeys are all over the place (including on my tile roof) I have pictures - mountain lions have been sighted numerous times and red foxes have been in my yard several times. From my front yard I can look down Campbell's Flat Rd and almost see*

PROPERTY OWNERS: All property owners within 1,000 feet of the proposed project will be notified of future public hearings. Property owners do not need to request future notification.

Campo Seco Rd.

AGENCIES/ORGANIZATIONS ONLY: Please indicate below if you wish to be notified of public hearings scheduled for this project or if you wish to receive notification of the availability of the environmental document prepared for this project. If you do not indicate your preference, we will assume you do not want notification of the hearings or the environmental document.

Public Hearing Notification	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Notification of availability of the environmental document	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Signed by: *Jocelyn Jardine*

Agency: *11780 Via Serena*

Date: _____

I live on the corner of Campbell's Flat Rd + Via Serena.

2. This property was out of the previous Williamson Act land conservation contract in December 2016. The property is still located inside Agricultural Preserve 138. The proposed land division would require altering the Agricultural Preserve to remove the property from the Preserve.
3. The Tuolumne County Wildlife Maps indicate that the wildlife habitat on the project site consists mainly of annual grassland (ags) and approximately 16.5± acres of residential-park (rsp). However, a site inspection observed the presence of blue oaks, interior live oaks, and valley oaks along an intermittent stream.
4. There is an intermittent stream and several ephemeral streams on the site. The Jamestown Ditch is located near the northwestern property boundary. There is an existing old farmhouse along Campo Seco Road and two old barns on the site. These structures are over 50 years in age.
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Staff Contact: Renee Hendry, Planner
 (209) 533-5633
rhendry@co.tuolumne.ca.us

AGENCY: _____

COMMENTS: _____

PROPERTY OWNERS: All property owners within 1,000 feet of the proposed project will be notified of future public hearings. Property owners do not need to request future notification.

AGENCIES/ORGANIZATIONS ONLY: Please indicate below if you wish to be notified of public hearings scheduled for this project or if you wish to receive notification of the availability of the environmental document prepared for this project. If you do not indicate your preference, we will assume you do not want notification of the hearings or the environmental document.

Public Hearing Notification	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Notification of availability of the environmental document	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Signed by: Gary L. Silva PARCEL # 056-500-029-000

Agency: Gary and Tammy Silva Date: 2-25-2019
11655 Serena Court

11594 Campo Seco Road
Sonora, CA 95370

March 5, 2019

RECEIVED

MAR 05 2019

Renee Hendry, Project Planner
Community Resources Agency
48 W. Yaney Avenue
Sonora, CA 95370

COUNTY OF TUOLUMNE
Community Resources Agency

Re: Kahl
Resolution for Agricultural Preserve Alteration AP 14-001(1), Resolution for
General Plan Amendment GP 14-006(1), Ordinance for Zone
Change RZ 14-016(1) and Vesting Tentative Subdivision Map T 18-046.
APN 59-010-56

Dear Ms. Hendry:

Thank you for the opportunity to review this application for an agricultural preserve alteration, a general plan amendment, rezoning and vesting tentative subdivision map.

I object to this application for the following reasons:

1. This application is not consistent with the Tuolumne County General Plan. Sections 16.08.010 and 16.20.080 of the Tuolumne County Ordinance Code require that an application for a division of land must be consistent with the General Plan.

This application is not consistent with the General Plan, as adopted in January 2019. **Exhibit A attached hereto sets forth those specific provisions of the General Plan with which this application is inconsistent.**

The General Plan shows the area of this project as AG or general agriculture. The division of this land, which is high value agricultural land, and its re-designation as Large Lot Residential are not consistent with the General Plan. In addition, the requested rezoning to LR (Large Lot Residential), with a ten-acre minimum is inconsistent with the density of use contemplated by the General Plan.

The division into eight new ten-acre parcels with a remainder is also inconsistent with the General Plan, since none of the parcels or remainder will comply with the current minimum parcel size required under the General Plan or zoning ordinance, which require a minimum parcel size of 37 acres.

Under Ordinance Code Section 16.06.060, it is grounds for denial of a proposed map if that map is not consistent with the General Plan.

2. This application should be denied because it would result in the conversion of agricultural land and none of the exceptions to the prohibition against converting agricultural land apply. Policy 8.A.I of the General Plan requires that the County should “Avoid the conversion of agricultural lands from the Agricultural General Plan land use designation and compatible zonings.” This application would result in the conversion of agricultural land.

Two exceptions to the prohibition against the conversion of agricultural land are identified in the General Plan: (i) where the agricultural land which is subject to the application is less than 160 acres in size AND surrounded by land other than agricultural land or public open space (Policy 8.A.2) or (ii) where (a) the parcel is less than 80 acres in area; (b) the parcel is located within 500 feet of a public water main; and (c) the parcel is situated adjacent to land designated High Density Residential (HDR), Medium Density Residential (MDR), Low Density Residential (LDR), Mixed Use (MU), Neighborhood Commercial (NC), General Commercial (GC) or Heavy Commercial (HC) by the General Plan land use diagrams.

The property subject to this application does not comply with either exception. It is 91 acres in size and is surrounded by high value agricultural land.

A third exception is identified in Policy 8.A.3: “. . . where the locational relationship of the land, together with the use proposed, would provide a public benefit of such magnitude as to justify the exception.” No such public benefit would justify approval of this application. It has been estimated that there are over 8,000 unbuilt lots in Tuolumne County at the current time; there is no need for more parcels. A subdivision approved on Seco Road, within a mile or two of this proposed project, has never been developed. There is simply no demand for more parcels in this County or in the immediate area and therefore no public benefit would accrue from approving this application.

In fact, approval of this application would be detrimental and further inconsistent with Policy 8.8.1 of the General Plan, which requires limitation of the intrusion of urban development into agricultural land, Policy 8.8.2, which requires the protection and productive use of valuable agricultural lands and areas that provide buffers between identified communities. The land subject to this application is high value agricultural land and is surrounded by high value agricultural land. Approval of this application would permit the intrusion of urban development and residential uses into agricultural land and would eliminate a valuable agricultural buffer between Sonora and Jamestown.

3. The application requires preparation of a full environmental impact report. A mitigated negative declaration is not legally adequate. I reviewed the file on this application and noted that the applicant is attempting to proceed on the basis of a negative declaration under the California Environmental Quality Act (“CEQA”). Staff has required that the applicant conduct only a cultural survey and a biological study, although a fire hazard reduction plan also appears to be required under Ordinance Code

16.08.030, since this project lies in a high fire hazard area. Traffic issues generated by this project, due to the requested rezone to ten acre parcel size, will be significant and must be considered in a full traffic study. Biotic, greenhouse gases, noise, light and other effects will also be significant. This project requires preparation of a full EIR.

This project will have a significant effect on the physical environment. The proposed agricultural preserve alteration, general plan amendment, parcel map and rezoning are collectively a project under CEQA because they will cause a direct or indirect physical change in the environment. Pub. Res. Code Sec. 21065. *This project is a project which will have a significant negative effect on the environment and must therefore be considered in a full environmental impact report.* The project *as described in the application* will result in the conversion of approximately 90 acres of high value agricultural land to Large Lot Residential. Under the Zoning Ordinance, Section 17.12.020, each parcel owner will be allowed to build two residences on his parcel, generating sixteen potential residences on these eight parcels. In addition, the Zoning Ordinances allows each parcel owner to engage in commercial uses, including conducting a bed and breakfast operation, petting zoo, guest ranch, commercial stable and roadside stand *without a use permit* (Zoning Ordinance, Section 17.12.020). The increase in density and introduction of commercial uses will significantly increase traffic on Campbells Flat Road, Campo Seco Road and Martin Lane. It will overburden the Campbells Flat/Campo Seco Road intersection and create a new traffic hazard because of the short distance between the Campbells Flat and Martin Lane intersections, which are separated by a blind curve. It will require grading, road and home building on what is now agricultural land. It will introduce eight to sixteen new septic systems on the site, and there is a significant risk that those septic systems will contaminate the numerous natural water courses on the site, as well as below ground water sources. It will produce significant effects on biological resources and cultural resources, air quality and greenhouse gases. I had conversations with Ralph in Jamestown Gold Prospecting before he died and he told me that there were five old mines on this property. During the clear-cutting of the property (see Section 5. below), a surface mine was clearly visible from the road, along with an old shack which has been removed. I also rode on the property with Art Mathos, who owned the property before Cowden/Peppermint Enterprises, and there was a creek that ran fully year round, even in July. After the trees were clear-cut and the area graded, the quality of this stream was significantly compromised. The proposed project will have even more severe effects on the natural resources on this site.

Water issues in particular require analysis by a full environmental impact report. The applicant is proposing to provide water to this project site via individual wells. Applicant acknowledges, apparently, that TUD cannot provide water for 8-16 more hook-ups in this area. However, during the recent drought, wells went dry in the Campo Seco/Jacksonville corridor and TUD had to connect a number of households who had no water supply. The well on the property of the undersigned, on Campo Seco Road, went dry in the 1970s. There is no underground aquifer in the Campo Seco area. The reality is that any available underground water in this area is contained in small fractured rock reservoirs. Applicant is hoping, but cannot demonstrate, that each of the zoned ten-acre parcels will have a fractured rock reservoir under it that will provide water for the

foreseeable future. In reality, many of these parcels either will not have ground water or will have inadequate ground water. Many, if not all of them, will ultimately need to be connected to TUD in order to be viable, and TUD does not have water for an additional 8-16 parcels and potential commercial uses. Applicant must be required to demonstrate that there is an available water supply before he proceeds.

This project will also impose strain on the storm water system, which has not been analyzed. Under 14 Cal. Code Regs. Sec. 15378(c) an agency must consider the effects that will foreseeably result from an approval. Therefore, this agency – and this applicant – must consider not just a General Plan amendment, a “bare” rezoning, and the creation of eight new parcels. It must consider the fact that the rezoning will allow the construction of 16 new residences and the introduction of commercial uses on these parcels which will have significant direct physical changes on the environment. These effects are reasonably foreseeable and require that the applicant conduct a full environmental impact report, not just a mitigated negative declaration.

This application requires preparation of an environmental impact report because the project will have significant growth inducing effects. The approval of this general plan amendment, parcel map and rezoning will be growth inducing. The conversion of this parcel from agricultural lands to ten-acre residential home site parcels will have the following growth-inducing effects:

- convert the applicant’s property, which is high value agricultural land, to eight parcels, each of which will be rezoned to A-10 zoning. This will potentially produce 8-16 new residential units and commercial uses on the subject property.
- promote conversion of the two adjacent large agricultural parcels (Parcels 59-010-54 and 59-010-57) which were acquired by the same ownership at the same time as the subject parcel, to residential zoning. See discussion in Section 4. below.
- encourage, enable and set a precedent for the conversion of adjacent agricultural lands to the south and west of Parcels 59-010-56, -57 and -54 to residential uses.

These growth inducing effects must be evaluated and considered in a full environmental impact report.

As set forth in Section 4. below, the proposed general plan amendment, planning and zoning changes on this first of three contiguous, large agricultural parcels is part of a single project involving the conversion of all three parcels from high value agricultural lands to residential parcels. These cumulative effects must be analyzed in the context of a full environmental impact report.

This application requires preparation of an environmental impact report because the proposed general plan amendment, map and rezoning will have significant effects on the environment and therefore feasible project alternatives must be considered. Public Resources Code Section 21002 requires that, when a project will result in significant effects on the environment, feasible project alternatives must be considered. This application will have significant effects on the physical environment and feasible project alternatives must be evaluated. These alternatives might reduction in zoning density to AE-20, cluster housing and more open space, additional oak woodland mitigation, habitat restoration (including stream restoration) and protection of pre-historic and historic sites.

4. The actual cumulative project is much more extensive than the project described in the application. and the effects of the actual, much larger project must be studied in an environmental impact report. The project description set forth in this application is inadequate. The actual project consists of the conversion of this parcel and two adjacent large parcels (59-010-57 and 59-010-54), containing 112.85 and 104.4 acres respectively, from high value agricultural land to residential use. These three parcels are referred to herein as “Original Parcels”. That the actual extent of the project is a 300+ acre conversion, and not just the conversion of the named parcel, is demonstrated by the following:

- Robert Cowden/Peppermint Enterprises, Inc. acquired all three Original Parcels in late 2007.
- In 2008, Cowden/Peppermint clear-cut the oak woodland on all three Original Parcels. See Section 5. below.
- Nine to seven years ago, Cowden/Peppermint excavated and installed a permanent surface gravel road that extends through all three parcels.
- In March, 2013, Cowden/Peppermint submitted to the Community Resources Agency an application to re-subdivide all three Original Parcels. This application was later withdrawn.
- In August 2014, Cowden/Peppermint sold the parcel which is subject to this project (59-010-56) to the applicant. This parcel is the parcel closest to both Campbells Flat Road and Campo Seco Road, and was the logical “first phase” in development of the three Original Parcels.
- Cowden/Peppermint developed Cuesta Serena and projects on Sunshine Hill and O’Byrness Ferry Road,

which all involved the conversion of large agricultural parcels to HE-3 sites.

- In January 2015, Kahl submitted an application to the County requesting the division of Parcel 59-010-56, which is the subject of the current application, into four large lots and the rezoning of those new large lots to RE-3. The applicant, Kahl, was seeking to conform to the Cowden pattern established for both this property, one of the three Original Parcels, and other Cowden properties. Kahl withdrew this application and submitted another application, which changed the configuration of the four parcels on the parcel map, in 2017. The 2017 application also sought RE-3 zoning, but did provide for open space areas along the streams on the property.

- Cowden/Peppermint and the current applicant, Kahl, have not conducted agricultural activities on the Original Parcels. Although there are a few cattle on the property now, the parcels have been unoccupied and unused for most of the time since they were acquired in late 2007. All three Original Parcels were intended for HE-3 development in a single project from the time of their acquisition.

The actual project much be considered in a full environmental impact report in order to avoid violating the provisions of the California Environmental Quality Act which requires that the ENTIRE activity be evaluated, and which prohibits piece-mealing or division of a project into smaller sub-projects. The conversion of all three of the Original Parcels, large agricultural parcels, to large lot residential and/or ranchettes must be analyzed in an environmental impact report. It is inadequate under CEQA to analyze merely the creation of eight large lot residential parcels and a rezone to A-10 on Parcel 59-010-56 when there is substantial evidence that these actions will result in the subdivision of all three Original Parcels into much smaller residential parcels, possibly even three-acre parcels, pursuant to a typical phased development plan. Since the conversion of the these three large Original Parcels, totaling over 300 acres, will have even greater cumulative, direct and significant physical effects on the environment than those imposed by the conversion of just the named parcel, these effects must be studied in a full environmental impact report. As an example, traffic impacts produced by conversion of all three of the Original Parcels on the Campbells Flat/Campo Seco intersection will be of such a level of significance that signalization of the intersection may be necessary.

The impropriety of ignoring the significant cumulative effects of the development activities that have affected this property since Peppermint Enterprises acquired it is

demonstrated by the fact that applicant is now attempting to use the wrong project baseline under CEQA. The proper baseline must be used for this project under CEQA. Applicant conducted a biological study as required by the County in 2015. That study repeatedly refers to the project site as “grassland”. The site is “grassland” only because almost all of the oak trees on the Original Parcels, containing more than 300 acres, were clear cut in 2008. This site was and is in fact an oak woodland, not a grassland. Applicant cannot base environmental review on the project site’s status as a grassland because this violates CEQA, which requires that an accurate project baseline must be established and cumulative effects studied.

5. The application must be conditioned on oak tree mitigation and mitigation for impacts on other natural resources. The parcel which is the subject of this application (59-010-56) and the two other Original Parcels (59-010-54 and 59-010-57, containing 113 and 104 acres) were acquired by Peppermint Enterprises, Inc., whose principal was Robert Cowden, in 2007. In January 2008, Mr. Cowden began clearcutting the mature oak woodland on the entire 300+ acre property. The clearcutting continued through the late spring of that year, and ended shortly before adoption of the County’s Premature Removal of Native Oak Trees ordinance (Ch. 9.24, Ordinance Code). Copies of photographs documenting the clearcutting are attached as Exhibit A. A petition signed by owners of near-by properties, protesting the clearcutting, was submitted to the Board of Supervisors, and a hearing held on the matter on February 5, 2008. A copy of the petition is attached as Exhibit B. As a consequence of the protest, the Community Development Office documented the removal of the oaks and Beverly Shane, then Community Development Director, issued a letter stating that “the property owner may be subject to monetary penalties and delays in processing any application for a discretionary entitlement which he submits for the project within the next five years. He would also be required to mitigate the removal of the oaks through revegetation or other measures.” That letter was dated July 10, 2008 and a copy is attached as Exhibit C. Although the five-year period has expired, the egregiousness of clearcutting the oak woodland on these parcels, totaling more than 300 acres, the outrage of neighbors, the California Environmental Quality Act, and equity require that mitigation for the removal of oak woodlands be imposed pursuant to Ch. 9.24 of the Ordinance Code. I point out that Mr. Cowden applied for a re-subdivision of these same three Original Parcels in March of 2013 and then withdrew the application because he would have had to provide oak tree mitigation and conduct cultural resource and biological studies. Mr. Kahl, who purchased the property from Mr. Cowden (Peppermint Enterprises) and who is, as I submit above, joint-venturing with the Cowden enterprise, should not be permitted to evade the mitigation requirement because of a technicality.

Chapter 16 of the General Plan, at Policy 16.B.j defines an oak woodland as “a woodland stand with 10% or greater native oak canopy cover.” As the photographs attached show, the woodland coverage on the subject property was far greater than 10%. The policy goes on to state that for “(parcels with oak woodland, as defined in the General Plan), a significant impact to oak woodland includes tree removal that reduces the total oak canopy cover onsite to below 10% (i.e., conversion to non-oak woodland), or a loss of 10% or greater of oak canopy woodland stand on the parcel.” See also Ch.

9.24 of the Tuolumne County Ordinance Code. As the attached photographs demonstrate, there was an oak woodland on the property, and the clearcutting of the property reduced that oak woodland canopy to less than ten percent. In fact, the clearcutting converted the property from an oak woodland to a grassland.

Even if the County declines to impose oak tree mitigation on the applicant on the basis of the County's premature conversion ordinance, the removal of dense oak woodland on more than 300 acres of land is a significant cumulative effect under CEQA which requires analysis and mitigation under a full environmental impact report.

In addition to the impacts on the oak woodland on this property, applicant must mitigate other impacts on natural resources that have occurred as a result of the cumulative project described in Section 4 above. These impacts include destruction of a year-round stream on the property (near the intersection of Campo Seco Road and Campbells Flat Road), and damage to other intermittent and ephemeral streams on the property. Current and previous owners of this property graded a hard surface road into the property without permits; this road was graded right through the year round stream. The banks of this and the other streams on the property were graded down, trees removed from their banks and the canopy that shaded these streams was lost. As a result, they dried up and an important resource was lost. Over 300 acres of oak woodland habitat was destroyed.

Applicant, in his 2017 application, offered to provide open space areas around the streams on the property. The current application does not include open space areas. These should be required, as set forth in Section 6. below.

6. The design of Lot 1 presents significant health and safety issues and is a sham attempt to create a ten-acre parcel. Lot 1 consists of a primary parcel and a flag-shaped add on to the north of the primary parcel. It is impossible to tell from the proposed map whether the two portions are even contiguous. The flag-shaped portion does not appear to have vehicular access to the primary portion and would require a separate right-of-way to a public road since it would not have access through the primary parcel. This would create a need for an additional driveway onto Martin Lane. If an additional driveway for this parcel is not possible as it would be too close to other driveways, this parcel should be restricted by a no-build restriction since it presents a health and safety issue absent access for fire trucks and other emergency vehicles.

It appears that the flag-shaped parcel was tacked on in order to give Lot 1 adequate acreage to comply with the A-10 zoning sought by the applicant. Since the flag-shaped parcel is not fully usable due to access problems, this should be viewed as a sham or substandard parcel and not approved.

7. Applicant should be required to provide at least the following mitigation and project re-design in light of project impacts on natural resources and the local community.

Applicant should provide mitigation for conversion of the oak woodlands on the property. As discussed above, the oak woodland on this property was clear cut. Applicant should be required to provide mitigation for the premature conversion of the oak woodland on this property, in accordance with Ch. 9.24.050 of the Ordinance Code and the California Environmental Quality Act. Mitigation might take the form of replanting oak trees within a specified area on either side of the stream corridors and on other sensitive sites on the property, pursuant to a mitigation and monitoring plan, and protecting those stream corridors and reforested areas with an open space restriction.

Applicant should provide dedicated open space areas to protect the stream corridors on the property, as well as any pre-historic sites and the surface mine areas located on the property. As set forth above, the stream corridors on site should be protected by open space restrictions, as should the pre-historic sites on the property and the surface mines also identified in the applicant's surveys. If applicant has not yet complied with AB52, applicant should also be required to conduct a consultation with local tribes.

Applicant should provide access to any newly created parcels through Campbell's Flat and Martin Lane only, not through Campo Seco Road. Campo Seco Road is the primary access route between Jamestown, Sonora and Stent. Vehicles often use it to access Sonora in order to avoid the Jamestown lights on Highway 108. It is extremely busy during morning and evening commute hours. The intersection with Campbell's Flat is a particularly problematic area. Campo Seco is a narrow former wagon road characterized by a steep downhill descent from Jamestown into the area of this project (between Seco Road and Martin Lane) and a large number of blind curves. A large deer population between Seco Road and Martin Lane makes the area particularly hazardous, and has merited posting of a deer warning sign. Traffic on the road frequently exceeds the posted speed limits and there are a large number of accidents on the road, particularly at the intersection with Campbell's Flat.

Adding additional driveways onto Campo Seco Road in the area of the project will create an extremely hazardous condition on the road. The project is downhill of the grade from Jamestown where drivers frequently speed, and Campo Seco Road adjacent to the project is particularly windy with poor visibility from the existing driveways on the north side.

In the interest of public safety, all access from this project should be from Martin Lane and Campbell's Flat. Both of these roads provide straight line of sight and would provide access to Campo Seco Road from existing cross streets. Applicant can easily provide a system of easements within his project which would provide access to these two existing streets.

Applicant should reconfigure Lot 1 to eliminate the health and safety issues related to the northern flag-portion of the lot. Applicant should be required to obtain access over the adjoining private parcel to resolve the absence of vehicular access (for private use and for safety vehicles) or provide a separate driveway onto Martin Lane for this portion of the lot. Otherwise, a no-build restriction should be placed on the flag portion of the Lot.

8. Conclusion. This project does not comply with the General Plan or applicable ordinances. It requires full CEQA review and preparation of a full environmental impact report so that the numerous, significant, direct and cumulative physical effects of this project, including effects on oak woodlands, can be analyzed and mitigated and so that project alternatives which are less offensive to the General Plan and the environment, including possibly twenty-acre zoning, can be considered.

Thank you for your consideration of the foregoing.

Very truly yours,



Barbara J. Savery

Encl.

Exhibit A







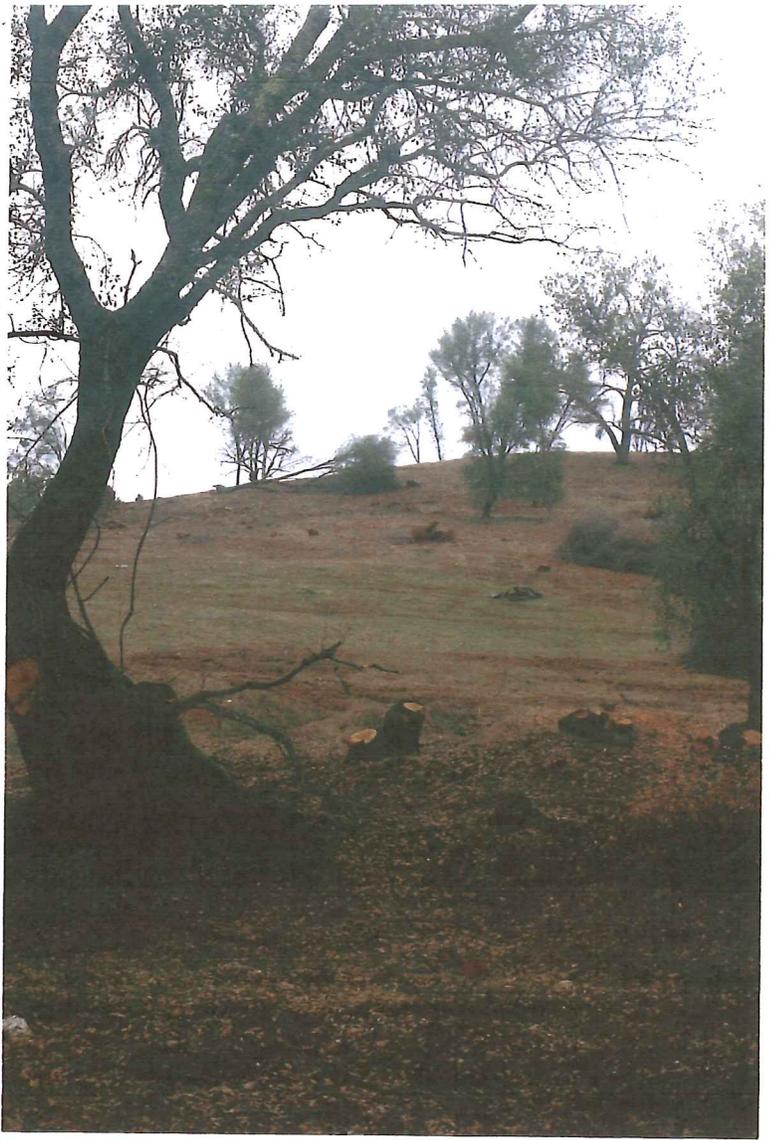




Exhibit B

Petition

The undersigned are all residents of Tuolumne County, California, and are signing this Petition to indicate their concern and anger regarding the excessive and destructive cutting of oak and other trees on the former Martin Ranch on Campo Seco Road between Campbell's Flat Road and Seco Terrace. The undersigned request that the County of Tuolumne require mitigation for such excessive and destructive cutting of oak and other trees at such time as the current or any future owner requests a permit, application approval, rezoning or any other discretionary or ministerial permits from the County regarding the former Martin Ranch or any part thereof.

Name

Address

Barbara J Savery

11594 Campo Seco Road
Sonora, CA

John Fenger
[Signature]

18058 Via Serena Rd.
Sonora, CA

Kellie Fenger
Kellei Fenger

18058 Via Serena
Sonora Ca. 95370

Km McNair

425 OAKSIDE DR Sonora.

[Signature]

18700 APPLE CO
TUOLUMNE

Jack Ward
Carol Ward

18577 Oliv Rd
Sonora CA 95370

[Signature]

17806 Campbell Flat

Conrad Pitzer

18296 Avenida Bonita

Jessie E. ...

18008 Via Serena
Sonora CA 95370

Petition

The undersigned are all residents of Tuolumne County, California, and are signing this Petition to indicate their concern and anger regarding the excessive and destructive cutting of oak and other trees on the former Martin Ranch on Campo Seco Road between Campbell's Flat Road and Seco Terrace. The undersigned request that the County of Tuolumne require mitigation for such excessive and destructive cutting of oak and other trees at such time as the current or any future owner requests a permit, application approval, rezoning or any other discretionary or ministerial permits from the County regarding the former Martin Ranch or any part thereof.

Name

Address

Scott Duth

18194 Berry Ln.

Sonoma CA. 95370

Ray Bailey

18225 Berry Ln 95370

Rudolph

18256 BERRY LN

Van Hatt

18271 Berry Ln

Ken Berman

18201 Berry Ln

Ken Berman

" "

C. J.

17893 Campbells Flat rd.

Susan Kay

17898 Camp Bell Flat Rd

Petition

The undersigned are all residents of Tuolumne County, California, and are signing this Petition to indicate their concern and anger regarding the excessive and destructive cutting of oak and other trees on the former Martin Ranch on Campo Seco Road between Campbell's Flat Road and Seco Terrace. The undersigned request that the County of Tuolumne require mitigation for such excessive and destructive cutting of oak and other trees at such time as the current or any future owner requests a permit, application approval, rezoning or any other discretionary or ministerial permits from the County regarding the former Martin Ranch or any part thereof.

Name

Address

Natalie Sullivan	17560 Campbell's Flat Rd.
Rose Townsend	17580 Campbell's Flat Rd
Larry Lone	17782 Campbell's Flat Rd
Stacey McKay	16100 South Creek side Sonora
Leslie McKay	16100 South Creek side Sonora
Lavel Alves	70 Box 116 Sonora, CA 95370
Teri Lyn Wilkinson	P.O. Box 213 Chinese Camp, CA 95309

Petition

The undersigned are all residents of Tuolumne County, California, and are signing this Petition to indicate their concern and anger regarding the excessive and destructive cutting of oak and other trees on the former Martin Ranch on Campo Seco Road between Campbell's Flat Road and Seco Terrace. The undersigned request that the County of Tuolumne require mitigation for such excessive and destructive cutting of oak and other trees at such time as the current or any future owner requests a permit, application approval, rezoning or any other discretionary or ministerial permits from the County regarding the former Martin Ranch or any part thereof.

Name

Address

Kenneth Anderson
Jodi Freeman

17896 Blue Bellrd East 95370
17896 Blue Bell Rd East Sonora 95370

Exhibit C



COMMUNITY DEVELOPMENT DEPARTMENT

BEV SHANE, AICP
Director

BUILDING AND SAFETY • PLANNING • GEOGRAPHIC INFORMATION SYSTEM (GIS)

July 10, 2008

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

Ms. Barbara Savery
11594 Campo Seco Road
Sonora, CA 95370

RE: 11247 Campo Seco Road
Assessor's Parcel No. 59-010-46

Dear Ms. Savery:

Thank you for submitting the photographs of Assessor's Parcel No. 59-010-46 illustrating the removal of native oaks from the site. I will add the photographs to our file on this site. One of the members of our staff has conducted an inspection of the site and documented the oaks that have been removed.

Removal of the oak trees at this time is allowed; however, under the County's recently adopted ordinance concerning the premature removal of oaks, the property owner may be subject to monetary penalties and delays in processing any application for a discretionary entitlement which he submits for the subject project within the next five years. He would also be required to mitigate the removal of the oaks through revegetation or other measures.

Again, thank you for submitting the photographs and do not hesitate to contact me if you have any questions concerning this matter.

Respectfully,


Bev Shane, AICP
Community Development Director

BJS

Initial Study/Mitigated Negative Declaration

KAHL

Resolution for Agricultural Preserve Alteration AP14-001(1), Resolution for General Plan Amendment GPA14-006(1), Ordinance for Zone Change RZ14-016(1) and Vesting Tentative Subdivision Map T18-046.



Lead Agency:

Tuolumne County
Community Development Department
48 Yaney Street
Sonora, California 95370
209-533-5633
www.tuolumnecounty.ca.gov

INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

DATE: February 6, 2020

SURFACE/MINERAL RIGHTS OWNERS/ Fredrick and Kathleen Kahl

APPLICANT: Robert Ozbirn

PROJECT DESCRIPTION:

1. Resolution for Agricultural Preserve Alteration AP14-001(1) to remove a 90.3± acre parcel from Agricultural Preserve No. 138, which currently consists of 367.7± acres.
2. Resolution for General Plan Amendment GPA14-006(1) to amend the General Plan land use designation of a 90.3± acre parcel from Agricultural (AG) to Large Lot Residential (LR).
3. Ordinance for Zone Change RZ14-016(1) to rezone the project site from AE-37 (Exclusive Agricultural, Thirty-Seven Acre Minimum) under Title 17 of the Tuolumne County Ordinance Code as follows:

PROPOSED ZONING	ACREAGE
A-10 (General Agricultural, Ten Acre Minimum)	68.8±
O (Open Space)	21.5±

4. Vesting Tentative Subdivision Map T18-046 to divide the existing 90.3± acre parcel into 8 parcels as follows:

PARCEL NUMBER	PROPOSED ACREAGE
Lot 1	11.5±
Lot 2 [^]	14.2±
Lot 3	10.3±
Lot 4	10.4±
Lot 5 [*]	10.4±
Lot 6	13.4±
Lot 7	10.0±
Lot 8	10.1±

[^] Existing Historic Barns and Garage Structure

^{*} Existing Martin Ranch Residence

LOCATION: The project site is located at 11247 Campo Seco Road, west of the intersection of Campbells Flat Road and Campo Seco Road and southeast of the community of Jamestown. A portion of Sections 11 and 12, Township 1 North, Range 14 East, Mount Diablo Baseline and Meridian. Assessor's Parcel Number 59-010-056. Supervisorial District 5.

SITE DESCRIPTION:

The project site straddles Campo Seco Road. Martin Lane is located on the northeast boundary of the site. The site is bounded on the east by Campbells Flat Road. Agricultural properties are to the west and south. The site is located approximately one mile southeast of Jamestown.

The property is currently improved with one residence, two barns, a metal garage/barn, a water tank structure and accessory sheds. The site has historically been known as the Martin Ranch. A segment of the Jamestown Ditch is located in the northwestern portion of the site. Four intermittent streams are located on the property. One intermittent stream runs through the center of the property from the north to the southwest. A second intermittent stream runs along the eastern property boundary. A portion of a third intermittent stream is located near the southeastern property corner. The fourth intermittent stream is located south of the residence, which supports dense blackberry growth and riparian vegetation, and connects to the central stream. These intermittent streams are tributaries of Sullivan Creek, which eventually drains to the Lake Don Pedro Reservoir approximately five miles to the southwest of the site.

Elevations on the project site range from approximately 1,600 to 1,650 feet. Slopes range from 10% in the central location of the site, to 20% near the western property boundary. The Tuolumne County Wildlife Maps indicate that the wildlife habitat on the project site consists mainly of annual grassland (ags) and approximately 16.5± acres of residential-park (rsp). However, a site inspection observed the presence of scattered blue oaks, interior live oaks, hybrid oaks, foothill gray pines, ponderosa pines, cedar and valley oaks along the intermittent streams. Understory plants consists of buckbrush, toyon, manzanita and poison oak plants. Elderberry shrubs are located on knoll to the northwest and along the central stream.

The project site is bounded by parcels with the following zoning classifications and General Plan Land use designations:

Assessor's Parcel Number	General Plan	Zoning	Direction
59-460-20	ER	RE-2:MX	Northwest
59-460-21	ER	RE-2:MX	Northwest
59-460-38	ER	RE-2:MX	North
59-460-31	ER	RE-2:MX	Northeast
59-460-32	ER	RE-2:MX	Northeast
59-460-04	ER	RE-2:MX	Northeast
59-010-33	AG	AE-37	East
56-270-41	ER	RE-5	East
56-500-21	ER	RE-2:MX	Southeast
56-500-23	ER	RE-2:MX	Southeast
56-500-24	ER	RE-2:MX	Southeast
59-010-53	AG	AE-37	South
59-010-54	AG	AE-37	South
59-010-57	AG	AE-37	West

Legend:

RE-2 – Residential Estate, Two Acre Minimum

RE-5 -- Residential Estate, Five Acre Minimum

AE-37 – Exclusive Agricultural, Thirty Seven Acre Minimum

:MX – Mobilehome Exclusion Combining

ER -- Estate Residential

AG -- Agricultural

DETAILED PROJECT DESCRIPTION:

On December 3, 2014, an application was received for this project. On January 29, 2019 the project was revised a final time for the following:

1. Resolution for Agricultural Preserve Alteration AP14-001(1) to remove a 90.3± acre parcel from Agricultural Preserve No. 138, which currently consists of 367.7± acres.
2. Resolution for General Plan Amendment GPA14-006(1) to amend the General Plan land use designation of a 90.3± acre parcel from Agricultural (AG) to Large Lot Residential (LR).
3. Ordinance for Zone Change RZ14-016(1) to rezone the project site from AE-37 (Exclusive Agricultural, Thirty-Seven Acre Minimum) under Title 17 of the Tuolumne County Ordinance Code as follows:

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4. Vesting Tentative Subdivision Map T18-046 to divide the existing 90.3± acre parcel into 8 parcels as follows:

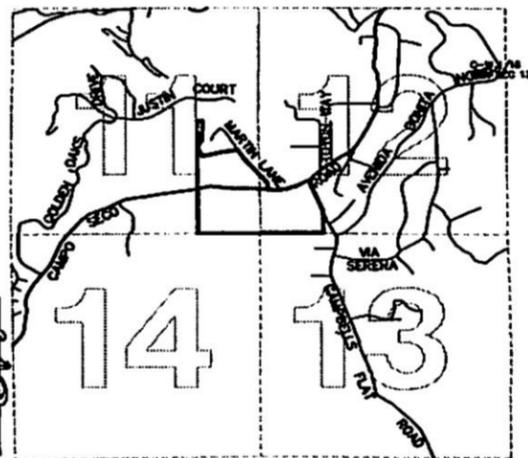
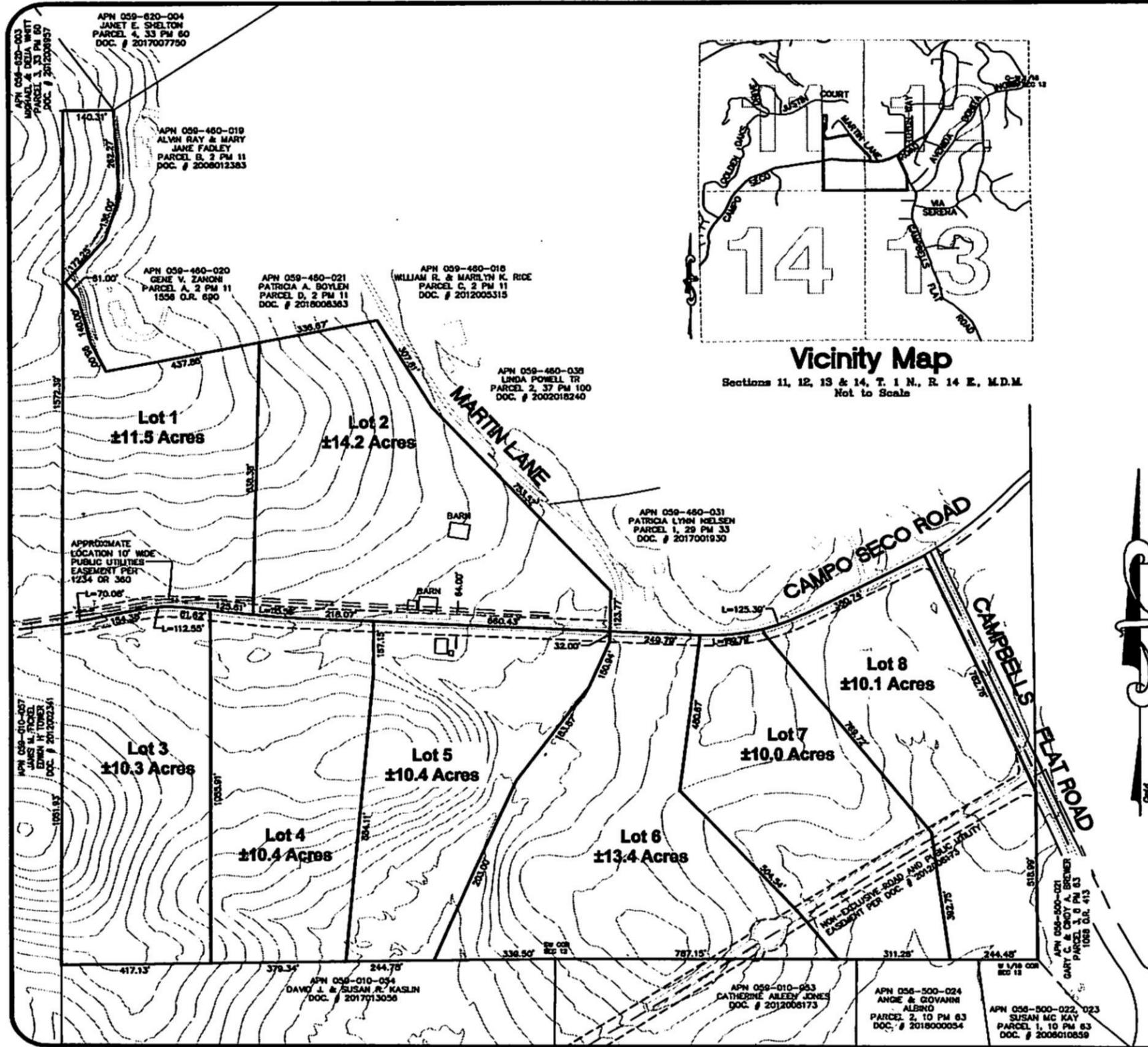
PARCEL NUMBER	PROPOSED ACREAGE
Lot 1	11.5±
Lot 2^	14.2±
Lot 3	10.3±
Lot 4	10.4±
Lot 5*	10.4±
Lot 6	13.4±
Lot 7	10.0±
Lot 8	10.1±

^ Existing Historic Barns and Garage Structure
 * Existing Martin Ranch Residence

The project and revisions were circulated to Advisory Agencies and adjoining property owners on January 14, 2015, September 9, 2017 and February 8, 2019 for comments. Following receipt of information to progress the project, the project was deemed complete in June 2019 and is subject to the 2018 General Plan.

Other Agency Approvals (Public Resource Code Section 21080.3.1 Consultation):

- Office of Parks and Recreation/State Historic Preservation Officer – Reviews the project for compliance with Section 106 of the National Historic Preservation Act.
- California Department of Fish and Wildlife (CDFW) –Reviews/approves project for compliance with applicable rules and regulation, specifically impacts to sensitive plant, animal, and wetland/riparian habitat. Collects CDFW filing fee for review of project environmental document.
- US Fish and Wildlife Service – Reviews/approves applicable rules and regulation, specifically impacts to sensitive plant, animal, and wetland/riparian habitat. The authority to contact regarding buffer protection zones for elderberry shrubs.
- Native American Heritage Commission (for tribal information)
- California State Water Resources Control Board
- Tuolumne Utilities District
- Tuolumne County—for encroachment permits, grading permits, septic permits, well permits and building permits.



Vesting Tentative Subdivision Map, General Plan Amendment and Zone Change Plat

Being a subdivision of Parcel 4 as described in the Certificate of Compliance recorded as Doc. # 2005027568 on file in the Office of the Tuolumne County Recorder, lying within portions of the SE 1/4 of Section 11, and the SW 1/4 of Section 12, Township 1 North, Range 14 East, Mount Diablo Meridian, in the unincorporated area of Tuolumne County, State of California.

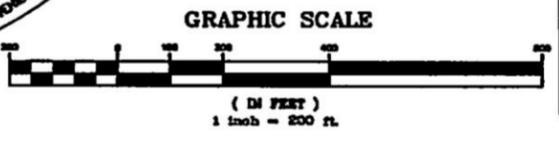
SCALE 1" = 200'	JOB NO. 0564	FILED 0564-TPM	Golden State SURVEYING & ENGINEERING INC 488 South Stewart Street Sonoma, California 95370
DATE 01/29/2019	DRAWING FILED 0564TPM-P4	CHECKED BY RLD	

GENERAL INFORMATION

Owner/
Applicant: Frederick & Kathleen Kahl
11247 Campo Seco Road
Sonoma, CA 95370
(209)

Surveyor /
Applicant: Robert L. Ozburn LS 5808
Golden State Surveying Engineering
13776A Mono Way # 191
Sonoma, CA 95370
(209) 533-4797

A. P. No.: 059-010-66
 E. Zoning: AE-37
 P. Zoning: A-10
 E. General Plan: AG
 P. General Plan: LR
 Deed Reference: Doc. # 2014008508
 Map of Record: N/A
 Total Area: ±91 Acres
 Water Service: Tuolumne Utilities District
 Sewer Service: Individual Private Septic System
 Fire Service: ±3 MI. to Jamestown Fire



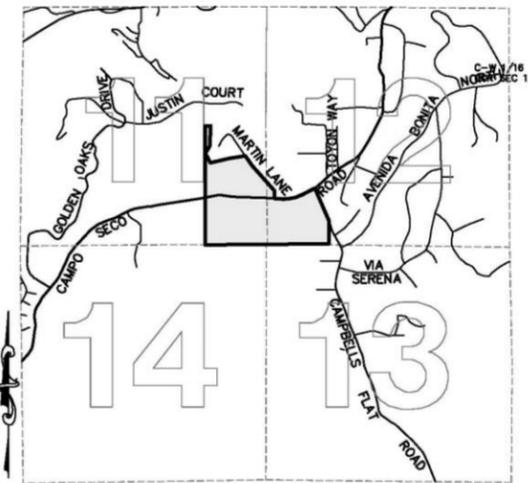
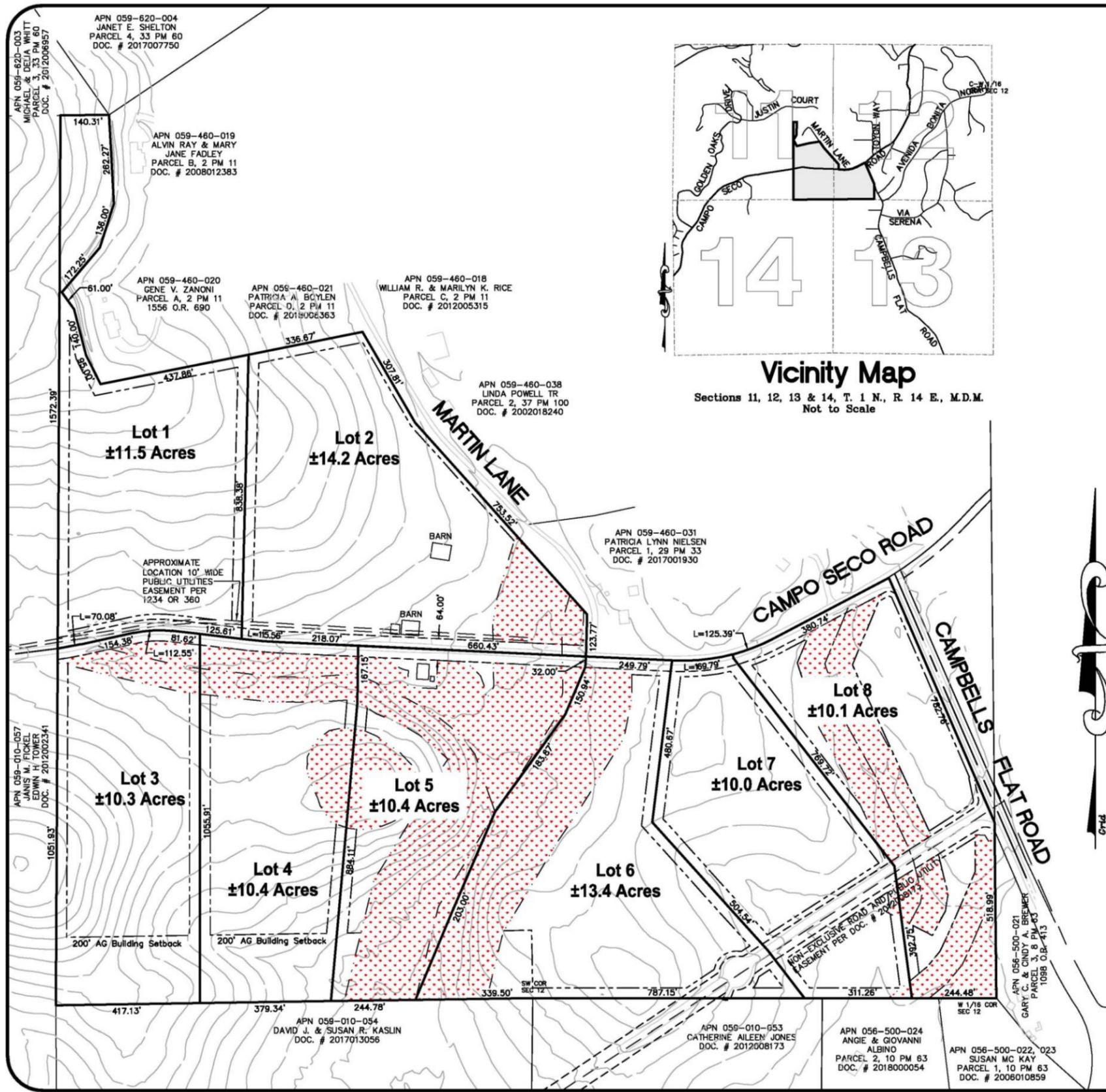
Legend

- RETAINING WALL
- CLUB AND GOLF
- WATER
- LUCKY BALL
- WETLAND BARRIER
- PHOTO CENTER
- FIRE HYDRANT
- SOB
- DEAIN MILET
- DRY ROAD
- PAVED ROAD
- CLUB RAIL
- HORIZ. MET. CONTROL
- BRUSH
- TREE
- CLUBSET ROAD
- POWER POLE
- STREET LIGHT
- WARRBLE

GeoMaps, LLC
 1330 MATHER FIELD ROAD
 SUITE A
 RANCHO CORDOVA, CA 95970
 TEL (916) 361-9133 FAX (916) 361-9517

CLUDT GOLDEN STATE SURVEYING & ENGINEERING
 LOCATION MATHEWS RANCH, JAMESTOWN, CALIFORNIA

JOB NO. 34433 PHOTO NO. 34433
 SCALE 1"=200' 10' CL PHOTO DATE 10/17/2012



Vicinity Map
 Sections 11, 12, 13 & 14, T. 1 N., R. 14 E., M.D.M.
 Not to Scale

Proposed Open Space Exhibit Map

Being a subdivision of Parcel 4 as described in the Certificate of Compliance recorded as Doc. # 2005027558 on file in the Office of the Tuolumne County Recorder, lying within portions of the SE 1/4 of Section 11, and the SW 1/4 of Section 12, Township 1 North, Range 14 East, Mount Diablo Meridian, in the unincorporated area of Tuolumne County, State of California.

SCALE: 1" = 200'	JOB NO: 0564	FILED: 0564-TPM	Golden State SURVEYING & ENGINEERING INC 488 South Stewart Street Sonoma, California 95370
DATE: 06/03/2019	DRAWING FILE: 0564TPM-P4	CHECKED BY: RLO	

LEGEND

- PROPOSED OPEN SPACE
- 30' BUILDING SETBACK OR AS NOTED 200' AG BUILDING SETBACK

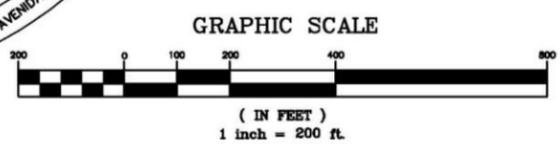
GENERAL INFORMATION

Owner/ Applicant: Frederick & Kathleen Kahl
 11247 Campo Seco Road
 Sonoma, CA 95370
 (209)

Surveyor / Applicant: Robert L. Ozbirn LS 5808
 Golden State Surveying Engineering
 13775A Mono Way # 191
 Sonoma, CA 95370
 (209) 533-4797

A. P. No.: 059-010-56
E. Zoning: AE-37
P. Zoning: A-10
E. General Plan: AG
P. General Plan: LR
Deed Reference: Doc. # 2014008508
Map of Record: N/A
Total Area: ±91 Acres
Water Service: Tuolumne Utilities District
Sewer Service: Individual Private Septic System
Fire Service: ±3 Mi. to Jamestown Fire

NEAREST FIRE HYDRANT ±750 FEET FROM PROJECT



Legend

- FENCE
- RETAINING WALL
- CURB and GUTTER
- WATER
- MASONRY WALL
- MEDIAN BARRIER

Legend

- PHOTO CENTER
- FIRE HYDRANT
- SIGN
- DRAIN INLET
- DIRT ROAD
- PAVED ROAD
- GUARD RAIL

Legend

- HORIZ. VERT. CONTROL
- BRUSH
- TREE
- CULVERT HEAD
- POWER POLE
- STREET LIGHT
- MANHOLE

GeoMaps, LLC
 3330 MATHER FIELD ROAD
 SUITE A
 RANCHO CORDOVA, CA 95670
 TEL (916) 361-9133 FAX (916) 361-9517

CLIENT: GOLDEN STATE SURVEYING & ENGINEERING
LOCATION: MATHIOS RANCH, JAMESTOWN, CALIFORNIA
JOB NO.: 34435
PHOTO NO.: 34435
SCALE: 1"=200' 10' C.I. PHOTO DATE 10/17/2012

ENVIRONMENTAL EVALUATION

TERMINOLOGY DEFINITIONS: The following terminology is used in this environmental analysis to describe the level of significance of potential impacts to each resource area:

- **Potentially Significant Impact.** This term applies to adverse environmental consequences that have the potential to be significant according to the threshold criteria identified for the resource, even after mitigation strategies are applied and/or an adverse effect that could be significant and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared consistent with CEQA.
- **Less-than-Significant Impact with Mitigation.** This item applies to adverse environmental consequences that have the potential to be significant but can be reduced to less-than-significant levels through the application of identified mitigation strategies that have not already been incorporated into the proposed project.
- **Less-than-Significant Impact.** This term applies to potentially adverse environmental consequences that do not meet the significance threshold criteria for that resource. Therefore, no mitigation measures are required.
- **No Impact.** This term means no adverse environmental consequences have been identified for the resource or the consequences are negligible or undetectable. Therefore, no mitigation measures are required.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input checked="" type="checkbox"/> Aesthetics
<input checked="" type="checkbox"/> Biological Resources
<input checked="" type="checkbox"/> Greenhouse Gas Emissions
<input checked="" type="checkbox"/> Land Use/Planning
<input checked="" type="checkbox"/> Population/Housing
<input checked="" type="checkbox"/> Transportation/Traffic
<input checked="" type="checkbox"/> Mandatory Findings of Significance

<input checked="" type="checkbox"/> Agriculture and Forestry Resources
<input checked="" type="checkbox"/> Cultural Resources
<input checked="" type="checkbox"/> Hazards & Hazardous Materials
<input checked="" type="checkbox"/> Mineral Resources
<input checked="" type="checkbox"/> Public Services
<input checked="" type="checkbox"/> Tribal Cultural Resources

<input checked="" type="checkbox"/> Air Quality
<input checked="" type="checkbox"/> Geology/Soils
<input checked="" type="checkbox"/> Hydrology/Water Quality
<input checked="" type="checkbox"/> Noise
<input checked="" type="checkbox"/> Recreation
<input checked="" type="checkbox"/> Utilities/Service Systems

DETERMINATION (To be completed by the Lead Agency) on the basis on the initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent, and a MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION, pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Quincy Yaley, AICP
Environmental Coordinator

Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

I. AESTHETICS:

Issues and Supporting Information Sources	<i>Potentially Significant Impact</i>	<i>Less-than-Significant With Mitigation Incorporation</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>
Would the Proposed Project/Action:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Substantially degrade the existing visual quality of a hillside or hilltop?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting:

Visual or aesthetic resources are generally defined as the natural and built features of the landscape that can be seen. The combination of landform, water, and vegetation patterns represents the natural landscape that defines an area's visual character, whereas built features such as buildings, roads, and other structures reflect human or cultural modifications to the landscape. These natural and built landscape features or visual resources contribute to the public's experience and appreciation of the environment. Depending on the extent to which a project's presence would alter the perceived visual character and quality of the environment, visual or aesthetic impact may occur. It should be noted that visual change in and of itself does not necessarily represent an adverse impact, and in some cases may result in a beneficial visual effect.

The aesthetic analysis is based on field observations and the review of information including site maps, drawings, technical data, and aerial and ground level photographs of the area. In addition, as part of this study, planning documents pertinent to visual quality including the Tuolumne County General Plan were reviewed. The analysis also responds to the California Environmental Quality Act (CEQA) guidelines for visual impact analysis as well as the goals, programs, and implementation programs outlined in the Tuolumne County General Plan and the Tuolumne County Ordinance Code.

Accepted visual assessment methods, including those adopted by federal agencies, establish sensitivity levels as a measure of public concern for changes to scenic quality. Viewer sensitivity, typically divided into high, moderate, and low categories, is among the criteria employed for evaluating visual impacts and their degree of significance. The factors considered in assigning a sensitivity level include viewer activity, view duration, viewing distance, adjacent land use, and special management or planning designation. Research on the subject suggests that certain activities tend to heighten viewer awareness of visual and scenic resources, while others tend to be distracting.

Potentially affected viewers in the subject area include roadway motorists and residents. Motorists represent the largest of the affected viewer groups. Included in this group are motorists traveling on Campo Seco Road and Campbells Flat Road, in Jamestown. On Campo Seco Road, motorists' views are partially screened by an existing residence, barns and vegetation. Viewer sensitivity is considered low to moderate. The second viewer group includes residents in the area of the project site. Residential views tend to be long in duration, and the sensitivity of this viewer group is considered moderate to high.

Analysis:

The project site contains an historic ranch house, two historic barns, a metal garage/barn structure, a water tank structure and accessory sheds. The project proposes eight (8) parcels which could have two new residences on each parcel. Several of the new residences, could be minimally visible from Campo Seco Road and Campbells Flat Road due to the open nature of the grassland and sparse tree cover. Vegetation on the site consists of blue oaks, canyon live oaks, hybrid oaks, valley oaks, ponderosa pine, cedar, buck brush, toyon, elderberries, blackberries, riparian vegetation, ornamental vegetation and annual grassland. The majority of the oaks are within the riparian corridors which will be protected with Open Space zoning. No changes are currently proposed to the historic structures on the site. Exterior modifications to the historic structures will required obtaining a Historic Conditional Use Permit with review by the Tuolumne County Historic Preservation Review Commission.

The Tuolumne County *Hillside and Hilltop Development Guidelines* were adopted to implement Policy 4.I.4 of the Tuolumne County 1996 General Plan. The 2018 General Plan had been updated with Policy 16.A.3 which requires the conservation of the natural scenic quality of hillsides and hilltops throughout Tuolumne County. The *Hillside and Hilltop Development Guidelines* assist property owners with development of hillside and hilltop areas. These guidelines contain recommendations that can assist property owners in designing and constructing improvements in a manner that will conserve the natural scenic quality of the hillsides and hilltops on the project site. To aid structures on the project site to be less visible from Campo Seco Road and Campbells Flat Road, structures will have setbacks from riparian corridors due to the Open Space zoned areas. The large size of the parcels (greater than one acre) require a 30-foot minimum setback from property boundaries pursuant to the California Building Fire Code.

Exterior lighting would be used around residences, in outside patio areas, and parking areas. The project will be conditioned to require that exterior lighting will not interfere with motorists traveling along Campo Seco Road or shine onto neighboring properties. Lighting shall comply as follows: direct the light downward towards the area to be illuminated, install shields to direct light and reduce glare, utilize low rise light standards, and utilize low- or high-pressure sodium lamps instead of halogen type lights.

Based upon implementation of the required mitigation measures below, development of the project site would no significantly reduce the visual quality of the site or its surroundings. There will be a less than significant impact to aesthetics.

Mitigation Measures: Exterior lighting shall not interfere with motorists traveling along Campo Seco Road and Campbells Flat Road or shine onto neighboring properties. All lighting shall comply as follows: direct the lighting downward towards the area to be illuminated, install shields to direct light and reduce glare, utilize low rise light standards, and utilize low- or high-pressure sodium lamps instead of halogen type lights.

Mitigation Monitoring: A Notice of Action will be recorded to advise future owners of required mitigation measure and the responsibility to comply with said measure. Community Development Department Staff will review Building Permit applications to ensure compliance with the mitigation measure.

II. AGRICULTURAL AND FORESTRY RESOURCES:

In determining whether the impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997), prepared by the California Department of Conservation, as an optional model to use in assessing impacts on farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State’s inventory of forest land. This includes: Forest and Range Assessment Project, the Forestry Assessment Project and Forest Carbon Measurement methodology provided in Forest Protocols, adopted by the California Air Resources Board.

	<i>Potentially Significant Impact</i>	<i>Less-than-Significant With Mitigation Incorporation</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>
Issues and Supporting Information Sources				
Would the Proposed Project/Action:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land, or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

In addition to goals, programs, and implementation programs outlined in the Tuolumne County General Plan, the project was evaluated using the Farmland Mapping and Monitoring program, the Tuolumne County Ordinance Code, and supporting project technical studies identified below.

The project site is located to the southeast of the unincorporated town of Jamestown, in Tuolumne County. The 2018 value of agricultural commodities produced in Tuolumne County is estimated at \$40,904,295. This is an increase of 8.0% from last year’s production value of \$37,610,000. Overall timber production significantly increased 32.0% primarily due to an increased dollar value in tree mortality biomass going to our local co-generation plants. Agricultural production value, excluding harvested timber, was valued at \$25,412,097 which is a decrease of 6.2% from the 2017 values.

Price decreases in Hay, Irrigated Pasture, and Rangeland all contributed to an overall 21.4% decrease in field crop values. Miscellaneous Fruit and Vegetables decreased in value by 10.3%. Livestock and Poultry, the County’s leading production category, was valued at \$20,732,000 which was a decrease of 3.8% from 2017 values.

California Land Conservation Act

The California Land Conservation Act of 1965 (Williamson Act) enables local governments to enter into contracts with private landowners for preserving agricultural land or related open space uses. Land under agricultural production can have its annual assessed valuation for property tax calculation reduced if the owner agrees to place the land under a Williamson Act contract for 10 years, renewable annually. Local governments received an annual subvention of forgone property tax revenues from the State via the Open Space Subvention Act of 1971, but these payments were suspended in 2009 as part of the State budget cuts. The Tuolumne County Board of Supervisors voted to continue offering property owner's tax incentives to maintain their agricultural properties in the Williamson Act land conservation program.

Z'berg-Nejedly Forest Practice Act of 1973

The project site is located on private property and as such for actions related specifically to potential impacts from forest resources could be subject to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (FPA) that have been promulgated as the California Forest Practice Rules.

Analysis:

The project site is designated as Agricultural (AG) by the General Plan land use diagrams. The site is located within Agricultural Preserve 138 which was established by Resolution 128 on February 4, 1969. Agricultural Preserve 138 consists of seven Assessor's Parcels and 372± acres of total area. One parcel in Agricultural Preserve 138 has been determined to be Agricultural Land of Limited Importance. Five of the parcels in Agricultural Preserve 138, including the project site, have been determined to be Agricultural Land of Local importance with scores ranging from 136 to 168, pursuant to the Agricultural Rating System matrix in the Agricultural Element of the General Plan. The remaining parcel, consisting of 104.2± acres, has been determined to be High Value agricultural land with a score of 196. No properties are in a current Williamson Act land conservation contract. No agricultural land is located adjacent to Agricultural Preserve 138. The Assessor's Parcels and rating scores are as follows:

Assessor's Parcel Number	Acreage	Zoning	General Plan land use designation	Agricultural Matrix Rating	Williamson Act Contract	Property Owner	AG Preserve
59-010-33	2.7±	AE-37	AG	Limited-124	NNR-2005	Cole	138
59-010-53	25.5±	AE-37	AG	Local-144	NNR-2005	Jones	138
59-010-54	104.2±	AE-37	AG	High-196	NNR-2005	Kaslin	138
59-010-57	112.9±	AE-37	AG	Local-160	NNR-2005	Fickel	138
59-010-56*	90.3±	AE-37	AG	Local-168	NNR-2005	Kahl	138
59-630-08	1.6±	AE-37	AG	Local-136	No	Canapa	138
59-630-09	35.0±	AE-37	AG	Local-140	No	Kaslin	138

Legend: AE-37 (Exclusive Agricultural, thirty-seven acre minimum)

AG (Agricultural)

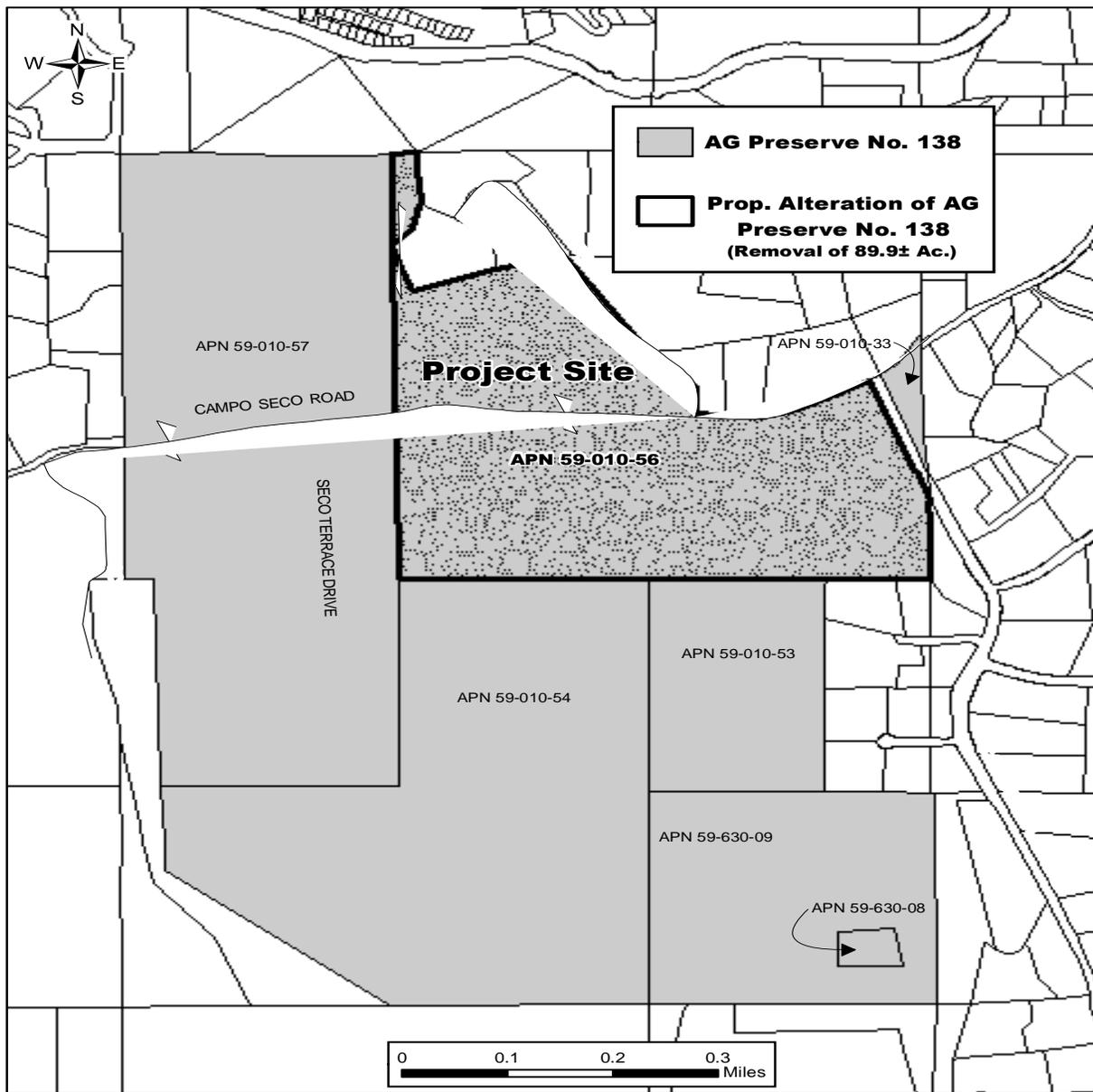
NNR-Notice of Nonrenewal of the Williamson Act Land Conservation Contract

High-value Agricultural Lands are those parcels which receive a score of 175 or higher as determined by the agricultural rating system matrix.

Agricultural Lands of Local Importance are those parcels which receive a score of at least 125 but not more than 174 as determined by the agricultural rating system matrix.

Agricultural Lands of Limited Importance are those parcels which received a score below 125.

*Project Site



The project site, Assessor's Parcel Number 59-010-56, was served a Notice of Nonrenewal on December 27, 2005, to begin the process of removal of the site from the Williamson Act land conservation program. The site is presently out of the Williamson Act program. On December 3, 2014, the project applicant applied to have Assessor's Parcel Number 59-010-56, consisting of 90.3± acres, removed from Agricultural Preserve No. 138. If the project site is removed from Agricultural Preserve 138, the total remaining acreage in the preserve would be reduced to 282.1± acres. The proposed project would not conflict with existing zoning for agricultural use in Agricultural Preserve 138 or conflict with a Williamson Act Contract.

Government Code Section 51230 requires a minimum of 100 acres to establish an Agricultural Preserve. A County may establish an Agricultural Preserve of less than 100 acres if it finds that a smaller preserve is necessary due to the unique characteristics of the agricultural enterprises in the area. The remaining parcels in Agricultural Preserve 138 would contain sufficient acreage to maintain the minimum size for a viable Agricultural Preserve. There is no contracted land remaining inside Agricultural Preserve 138.

The project site has been rated as agricultural land of Local Importance. The project site is located adjacent to one agricultural parcel on the south that has been rated as High Value Agricultural land, pursuant to the Agricultural Rating System Matrix in the Agricultural Element of the General Plan. Two parcels to the

southeast of the project site, and one to the west, have been rated as agricultural land of Local Importance. One parcel to the east has been rated as Limited Importance.

Policy 8.A.1 of the Agriculture Element of the 2018 General Plan directs the County to avoid the conversion of agricultural lands from the Agricultural (AG) General Plan designation and compatible zonings. Assessor's Parcel No. 59-010-56 has been determined by the Agricultural Rating System Matrix to be Agricultural Land of Local Importance. The proposed A-10 (General Agricultural, Ten Acre Minimum) zoning district would allow for two residences on ten acres; however, agricultural production could still occur in the proposed zoning district. The project site is not prime farmland, unique farmland or farmland of Statewide importance pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency.

Policy 8.A.b of the Agriculture Element directs the County to grant exceptions to the policies and implementation programs regarding conversion of agricultural land contained in this Element only when such exception is approved by the Board of Supervisors.

Implementation Program 8.A.c directs the County to utilize the Agricultural Rating System matrix only to evaluate applications proposing exceptions to Policy 8.A.1 and Policy 8.A.2.

Policy 8.A.4 states that development proposed adjacent to land designated Agricultural by the General Plan land use diagrams shall provide a buffer from the agricultural land. The buffer shall be 200 feet in width and located on the development site. No residential or non-agricultural buildings may be erected in the buffer area as long as the adjacent land remains designated Agricultural. The buffer may be reduced in width by the Board of Supervisors after considering the recommendation of the Agricultural Advisory Committee

The project was heard by the Agricultural Advisory Committee in February 2015 for the previous proposal for the land division, General Plan Amendment and Zone Change. The Agricultural Advisory Committee denied the previous proposal, since the previously proposed General Plan of Homestead Residential (HR) and RE-3 (Residential Estate, Three Acre Minimum) zoning district would have allowed the property to be further divided into smaller lots in the future. The applicant revised the project following input by the Agricultural Advisory Committee.

The project to create parcels ranging in size from 10.0± acres to 14.2± acres, with a General Plan amendment to Large Lot Residential (LR) and a zone change to A-10 (General Agricultural, Ten Acre Minimum) was heard by the Agricultural Advisory Committee at its meeting on April 30, 2019. The Committee recommended approval of the project since the proposed General Plan, zoning and parcel sizes would still allow for agricultural uses; however, they requested that a 200-foot buffer remain in place for non-agricultural structures from the high-value agricultural property to the south. Therefore, approval of the project would not result in an impact on agricultural land.

The project site contains a sparse scattering of ponderosa pine trees, which are classified as a commercial timber species of tree by the Division of Forestry. Pursuant to Section 17.52.170 the commercial growing and harvesting of timber encompassing more than three acres is a permitted use in all districts, except O (Open Space) and O-1 (Open Space – 1), provided it is in conformance with the California Practice Rules. Section 17.52.170 of the Ordinance Code also allows for the commercial harvesting of timber when fewer than three acres are affected provided the harvest does not occur within 100 feet of a cultural resource boundary and does not occur within riparian or wetland areas. A Cultural Resource Study was completed in 2017 which identified cultural resources on the project site; however, they will be protected by the use of O (Open Space) zoning. Four intermittent streams are present on the site, which are also proposed to be protected by O zoning district. A Use Permit can be applied for to allow timber harvesting in the O zoning districts. Therefore, approval of this project would not result in an impact on agricultural and forestry resources, a loss of forest land or conversion of forest land to non-forest use.

Mitigation Measures: A 200-foot setback will be required for non-agricultural structures from the southern property boundary with Assessor's Parcel Number 59-010-54. This setback may be reduced with

recommendation of the Agricultural Advisory Committee and approval of the Director of the Community Development Department.

Mitigation Monitoring: A Notice of Action will be recorded to advise future owners of the required mitigation measure and the responsibility to comply with said measure. Community Development Department Staff will review Building Permit applications to ensure compliance with the mitigation measure.

III. AIR QUALITY:

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations:

Issues and Supporting Information Sources	<i>Potentially Significant Impact</i>	<i>Less-than-Significant With Mitigation Incorporation</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>
Where available, the significance criteria established by the Tuolumne County Air Pollution Control District has been relied upon to make the following determinations. Would the Proposed Project/Action:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

This section describes the impacts of the proposed project on local and regional air quality. It describes existing air quality in the foothills; project related direct and indirect emissions; health effects; and the impacts of these emissions on both the project and cumulative/regional scale.

Air pollution is directly related to a region’s topographic features, and the California Air Resources Board. (CARB) has divided California into regional air basins according to topographic air drainage features. The Mountain Counties Air Basin (MCAB) includes Plumas, Sierra, Nevada, Placer (middle portion), El Dorado (western portion), Amador, Calaveras, Tuolumne, and Mariposa Counties. While the MCAB encompasses such an expansive territory, the population of the entire air basin is less than 500,000 (472,991 in 2010). The basin lies along the northern Sierra Nevada Mountain Range, close to or contiguous with the Nevada border, and covers an area of roughly 11,000 square miles.

Elevations range from over 10,000 feet at the Sierra crest down to several hundred feet above sea level at the Stanislaus County boundary. Throughout the MCAB basin, the topography is highly variable, and includes rugged mountain peaks and valleys with extreme slopes and differences in elevation in the Sierras, as well as rolling foothills to the west.

The general climate of the MCAB varies considerably with elevation and proximity to the Sierra ridge. The terrain features of the basin make it possible for various climates to exist in a relatively close proximity. The Sierra Nevada receives large amounts of precipitation in the winter, with lighter amounts in the summer. Precipitation levels are high in the highest mountain elevations but decline rapidly toward the western portion of the basin. Winter temperatures in the mountains can be below freezing for weeks at a time, and substantial depths of snow can accumulate, but in the western foothills, winter temperatures usually dip below freezing only at night and precipitation is mixed as rain or light snow. In the summer, temperatures in the mountains

are mild, with daytime peaks in the 70s to low 80s, but the western end of the basin can routinely exceed 100 degrees.

Local Climate and Sources of Air Pollution

The climate in Tuolumne County can be considered Mediterranean with moist and cold winters and warm and dry summers. The mean annual precipitation is 33 to 49 inches (838 to 1,245 millimeters). Mean annual temperature is 41 to 53 degrees F (5.0 to 11.7 degrees C). The frost-free period is 100 to 150 days.

Table 1. Tuolumne County Designations and Classifications

Pollutant	Designation/Classification	
	Federal Standard	State Standard
Ozone - One hour	No Federal Standard	Nonattainment
Ozone - Eight hour	Attainment/Unclassified	Unclassified
PM 10	Unclassified	Unclassified
PM 2.5	Attainment/Unclassified	Unclassified
Carbon Monoxide	Attainment/Unclassified	Attainment
Nitrogen Dioxide	Attainment/Unclassified	Attainment
Sulfur Dioxide	Unclassified	Attainment
Lead (Particulate)	Attainment/Unclassified	Attainment
Hydrogen Sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Visibility Reducing Particles	No Federal Standard	Unclassified
Source: CARB		

- "Inhalable coarse particles (PM2.5-10)," such as those found near roadways and dusty industries, are between 2.5 and 10 micrometers in diameter. PM2.5-10 is deposited in the thoracic region of the lungs.
- "Fine particles (PM2.5)," such as those found in smoke and haze, are 2.5 micrometers in diameter and smaller. These particles can be directly emitted from sources such as forest fires, or they can form when gases emitted from power plants, industries and automobiles react in the air. They penetrate deeply into the thoracic and alveolar regions of the lungs.

The Tuolumne County Air Pollution Control District (TCAPCD) does not meet the state 1-hour standard for ozone or for PM 2.5. The TCAPCD is designated as unclassified for the State PM10 standards, since no PM10 data is available for this area. The District is either in attainment or in an unclassified area for the remainder of the pollutants in Table 1, due to the lack of availability of data. The Mountain Counties Air Basin typically experiences good air quality, however pollution from the Central Valley

Local jurisdictions have the authority and responsibility to reduce air pollution through their policies, codes, and land use planning. The project was evaluated under the California Air Resource Board (CARB) air quality standards and area designations, and the Tuolumne County Air Pollution Control District’s thresholds of significance, and the Tuolumne County Ordinance Code and Tuolumne County General Plan.

Analysis:

The U.S. Environmental Protection Agency (EPA) designated Tuolumne County as “attainment/unclassified” for the 2008 8-hour federal ozone standard on July 20, 2012. On April 6, 2015 the EPA revoked the 1997 8-hour ozone standard for all purposes (80 FR 12264). Tuolumne County is “attainment/unclassified” for all other federal ambient air quality standards. With respect to State ambient air quality standards, Tuolumne County is classified as “nonattainment” for ozone and “attainment/unclassified” for all other State standards. The State ozone “nonattainment” status is due to overwhelming transport of ozone precursors from upwind, urban areas.

Grading of the site for future residence and driveway improvements may create fugitive dust emissions. The project was reviewed by the Tuolumne County Air Pollution Control District who did not provide any comments for the proposed project. The proposed project will be conditioned to mitigate fugitive dust during construction through the use of a watering truck or other dust suppressant device as required by Section 12.20.370 of the County Grading Ordinance.

Gravel used for surfacing driveways or parking areas may be derived from serpentine rock. Serpentine gravel often contains asbestos fibers; asbestos fibers have been linked to lung cancer. Vehicles driving over serpentine gravels bearing asbestos fibers can cause these fibers to become airborne, thereby creating a health risk. The proposed project will be conditioned to prohibit the use of serpentine gravel unless it is sealed with an unrestricted material to prevent the asbestos fibers from becoming airborne, as required by Section 93106 of the California Health and Safety Code.

The project will not generate air pollutants or objectionable odors from future residential or agricultural uses on the site.

Based upon enforcement of the County Ordinance Code, approval of the requested entitlements will have no impact on the local or regional air quality. Approval of the project will result in no impact to air quality.

Mitigation Measure: None required.

Mitigation Monitoring: Not applicable.

IV. BIOLOGICAL RESOURCES

Issues and Supporting Information Sources	<i>Potentially Significant Impact</i>	<i>Less-than-Significant With Mitigation Incorporation</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>
Would the Proposed Project/Action:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Setting:

The Tuolumne County Wildlife Habitat Map for the USGS Sonora 7.5 Minute Quadrangle indicates that the two common wildlife habitat types on the project are annual grassland (ags) and residential-park (rsp). Four intermittent streams are located on the property. One intermittent stream runs through the center of the property from the north to the southwest. A second intermittent stream runs along the eastern property boundary. A portion of a third intermittent stream is located near the southeastern property corner. The fourth intermittent stream is located south of the residence, which supports dense blackberry growth and riparian

vegetation, and connects to the central stream. These intermittent streams are tributaries of Sullivan Creek, which eventually drains to Don Pedro Reservoir approximately five miles to the southwest of the site.

Vegetation consists of scattered blue oaks, interior live oaks, hybrid oaks, foothill gray pines, ponderosa pines, cedar and valley oaks along the intermittent streams. Understory plants consists of buckbrush, toyon, manzanita and poison oak plants. Elderberry shrubs are located on knoll to the northwest and along the central stream. The habitat types based on the Wildlife Habitat Maps are shown on the table below:

WILDLIFE HABITAT			
Habitat Type	Priority Rating	Approximate Acreage	Percentage of Site
Annual grassland (ags)	4	73.8±	82%
Residential-park (rsp)	4	16.5 ±	18%

The ags habitat is defined as open grassland composed primarily of annual grasses and forbs. This habitat occurs mainly in the lower foothills. The ags habitat type is considered a Fourth Priority habitat, as identified in the Tuolumne County Wildlife Handbook.

The rsp habitat is a designation for urbanized areas, including residential, commercial and industrial developments, as well as landscaped parks and gardens. The rsp habitat type is considered a Fourth Priority habitat, as identified in the Tuolumne County Wildlife Handbook. The areas near the existing structures, and areas of the property near the smaller lot subdivision to the east and northeast, are located within the rsp habitat.

Analysis:

Implementation Program 16.B.i of the 2018 General Plan requires development that is subject to a discretionary entitlement from the County and to environmental review under the California Environmental Quality Act (CEQA) to evaluate potential impacts to biological resources and mitigate significant impacts for the following or as otherwise required by State or Federal law:

- Species listed or proposed for listing as threatened, rare, or endangered under the federal Endangered Species Act (ESA) or California Endangered Species Act (CESA);
- Species considered as candidates for listing under the ESA or CESA;
- Wildlife species designated by CDFW as Species of Special Concern;
- Animals fully protected under the California Fish and Game Code; and
- Plants considered by CDFW to be “rare, threatened, or endangered in California” (California Rare Plant Ranks [CRPR] of 1A, presumed extinct in California and not known to occur elsewhere; 1B, considered rare or endangered in California and elsewhere; 2A, presumed extinct in California, but more common elsewhere and 2B, considered rare or endangered in California but more common elsewhere).
- Sensitive natural communities, including wetlands under Federal or State jurisdiction, other aquatic resources, riparian habitats, and valley oak (*Quercus lobata*) woodland.
- Important wildlife movement corridors and breeding sites.
- Oak woodlands, as provided in Implementation Program 16.B.j.

The Tuolumne County Wildlife Handbook (TCWH) states, on page IV-2, that a developer has the option to perform a site and project specific study to determine potential impacts and if necessary, to formulate a

mitigation plan in accordance with applicable State and Federal law. The project developer hired a biological consultant to design a project specific mitigation plan for the project site. The purpose of the project specific mitigation plan is to provide a description of existing biological resources on the project site, to identify potentially significant impacts that could occur to sensitive biological resources from the construction of the roads, driveways or future home sites, and to identify appropriate mitigation for the identified impacts.

The project applicant hired C2 Consult, Corp, to prepare a biological assessment of the project site, and to determine the property's habitat values. In February 2016, a study was received entitled *Biological Resources Report for the Kahl Project 11247 Campo Seco Road, Sonora, Assessor's Parcel Number 59-010-56*. The main purpose of the biological assessment was to determine if the proposed project would have potential impacts on plant and/or wildlife habitats, wetland areas, special status species in the project area or oak woodland. Mitigation measures proposed in the biological assessment utilize measures found in the Tuolumne County Wildlife Handbook.

OAK WOODLANDS

Public Resources Code Section 21083.4 requires oak woodland mitigation for any project where the conversion of oak woodlands results in a significant impact to the environment. The County of Tuolumne in consultation with the California Department of Fish and Wildlife defines an "oak woodland as an area with 10 percent oak canopy cover". The project site has an oak canopy greater than 10%; near the central portion of the project site and along the stream corridors; therefore, oak woodland mitigation is required.



Policy 16.A.6 of the 2018 Tuolumne County General Plan encourages the protection of clusters of native trees and vegetation and outstanding individual native and non-native trees which help define the character of Tuolumne County.

Implementation Programs 16.A.k of the General Plan establishes an incentive program to retain existing vegetation, such as Heritage Trees, stands of oak woodlands, or clusters of native shrubs within new development. A developer can utilize the Tuolumne County Wildlife Handbook to propose appropriate mitigation for the protection of heritage trees and oak woodlands.

Implementation Program 16.B.j.1 directs the County that when considering discretionary development proposals, the County, through CEQA reviews, will require that project applicants map oak woodland resources on the project site and, where feasible, establish buffers around existing oak woodland stands to prevent adverse effects.

The project site does not have a large population of oak trees or oak woodland habitat. There are no valley oak woodland or old growth oaks outside of the existing stream corridors. Given that the project is located in an area known for its blue oak woodland habitat, it is likely that historically this property had many more oak species present and was part of the western Tuolumne county blue oak woodland habitat. Evidence of past tree removal was found, with the most recent tree removal occurrence in 2008.

Given the size of the proposed parcels, and the fact that building sites have not been identified, it is possible that future construction could avoid the removal of oak trees located outside of the proposed Open Space zoning. However, to ensure preservation of oak trees on the project site, the mitigation measure below are recommended to preserve oak woodland, valley oaks and old growth oak trees.

SPECIAL STATUS SPECIES

The California Department of Fish and Game Natural Diversity Data Base (CNDDDB) maps, and the Tuolumne County Wildlife Habitat Maps were consulted for known locations of special status plants or animal species. Thirty-three (38) special status species are known to occur in the Sonora Quadrangle and surrounding quadrangles. Of the thirty-eight species, eighteen (18) are found exclusively in habitat types not found on the project site. Eleven (11) animal species and nine (9) plant species could have habitat on the project site as follows:

Special Status Animal Species			
Scientific Name Common Name	Federal ----- State	Other	Habitat/Presence on Project Site?
<i>Branchinecta lynchi</i> vernal pool fairy shrimp	Threatened None	None	Valley & foothill grassland, vernal pool, wetland. Inhabit small, clear-water sandstone-depression pools and grassed swale, earth slump, or basalt-flow depression pools. Potential habitat on project site which will be in Open Space zoning.
<i>Desmocerus californicus dimorphus</i> valley elderberry longhorn beetle	Threatened None	None	Riparian scrub. Occurs only in the Central Valley of California, in association with blue elderberry (<i>Sambucus mexicana</i>). Prefers to lay eggs in elderberries 2-8 inches in diameter; some preference shown for "stressed" elderberries. Blue elderberry on project site. Potential habitat on site in the riparian corridor to be in Open Space zoning. Upland plants not typically inhabited by beetles.

<i>Phrynosoma blainvillii</i> coast horned lizard	None None	CDFW- SSC	Chaparral, cismontane woodland, coastal bluff scrub, coastal scrub, desert wash, pinon & juniper woodlands, riparian scrub, riparian woodland, valley & foothill grassland. Frequents a wide variety of habitats, most common in lowlands along sandy washes with scattered low bushes. Open areas for sunning, bushes for cover, patches of loose soil for burial, & abundant supply of ants & other insects. Potential Habitat on site. Large parcel sizes reduce impacts to less than significance.
<i>Rana boylii</i> foothill yellow-legged frog	None None	CDFW- SSC	Aquatic. Chaparral, cismontane woodland, coastal scrub, lower montane coniferous forest, meadow & seep, riparian forest, riparian woodland, flowing waters. Partly- shaded, shallow streams & riffles with a rocky substrate in a variety of habitats. Needs at least some cobble-sized substrate for egg-laying. Need at least 15 weeks to attain metamorphosis. Potential habitat on project site in riparian areas to be placed in Open Space zoning.
<i>Athene cunicularia</i> burrowing owl	None None	CDFW- SSC USFWS- BCC	Open, dry annual or perennial grasslands, deserts & scrublands characterized by low-growing vegetation. Subterranean nester, dependent upon burrowing mammals, most notably, the California ground squirrel. Potential habitat on site. No sightings have occurred. Large parcel sizes reduce impacts to less than significance.
<i>Falco mexicanus</i> prairie falcon	None None	CDFW- WL USFWS- BCC	Valley & foothill grassland. Inhabits dry, open terrain, either level or hilly. Breeding sites located on cliffs. Forages far afield, even to marshlands and ocean shores. Potential habitat on site. Large parcel sizes allow for foraging and reduces impacts to less than significant.
<i>Aquila chrysaetos</i> Golden eagle	None None	CDFW- FP	Rolling foothills, mountain areas, sage-juniper flats, & desert. Cliff-walled canyons provide nesting habitat in most parts of range; also, large trees in open areas. Potential habitat on site. Large trees for nesting protected in Open Space zoned areas. Large parcel sizes allow for foraging and reduces impacts to less than significant.

<i>Antrozous pallidus</i> pallid bat	None None	CDFW- SSC	Deserts, grasslands, shrub lands, woodlands & forests. Most common in open, dry habitats with rocky areas for roosting. Roosts must protect bats from high temperatures. Very sensitive to disturbance of roosting sites. Potential habitat on project site. Large parcel sizes allow for foraging and reduces impacts to less than significant.
<i>Corynorhinus townsendii</i> Townsend's big-eared bat	Candidate Threatened	CDFW- SSC	Broadleaved upland forest, chaparral, chenopod scrub, Great Basin grassland, Great Basin scrub, Joshua tree woodland, lower montane coniferous forest, meadow & seep. Mojavan desert scrub, riparian forest, riparian woodland, Sonoran Desert scrub, Sonoran thorn woodland, upper montane coniferous forest, valley & foothill grassland. Throughout California in a wide variety of habitats. Most common in mesic sites. Roosts in the open, hanging from walls & ceilings. Extremely sensitive to human disturbance. Potential habitat on project site. Large parcel sizes allow for foraging and reduces impacts to less than significant.
<i>Eumops perotis californicus</i> western mastiff bat	None	CDFW- SSC	Many open, semi-arid to arid habitats, including conifer & deciduous woodlands, coastal scrub, valley & foothill grassland, chaparral etc. Roosts in crevices in cliff faces, high buildings, trees & tunnels. Potential habitat on project site. Large parcel sizes allow for foraging and reduces impacts to less than significant.
<i>Lasiurus blossevillii</i> western red bat	None None	CDFW- SSC	Cismontane woodland, lower montane coniferous forest, riparian forest, riparian woodland. Roosts primarily in trees, 2-40 ft. above ground, from sea level up through mixed conifer forests. Prefers habitat edges & mosaics with trees that are protected from above & open below with open areas for foraging. Potential habitat on project site. Large parcel sizes allow for foraging and reduces impacts to less than significant.

Definitions for special status animals:

CDFW =California Department of Fish and Wildlife

USFWS= U.S. Fish and Wildlife Service

SSC = Species of Special Concern

FP = Fully Protected

BCC = Bird of Conservation Concern

WL = Watch List

Special Status Plants

Scientific Name Common Name	Federal State	CNPS	Habitat/Presence or Absence on Project Site?
<i>Arctostaphylos nissenana</i> Nissenan manzanita	None None	1B.2	Closed-cone coniferous forest, chaparral. Usually on metamorphics, associated w/ other chaparral species. Potential habitat on project site; however, no sightings have occurred in this area.
<i>Calycadenia hooveri</i> Hoover's calycadenia	None None	1B.3	Cismontane woodland, valley and foothill grassland. On exposed, rocky, barren soil. Potential habitat on project site; however, no sightings have occurred. Large parcels sizes reduce impacts to less than significant.
<i>Clarkia rostrate</i> beaked clarkia	None None	1B.3	Cismontane woodland, valley and foothill grassland. North-facing slopes; sometimes on sandstone. Potential habitat on project site; however, no sightings have occurred. Large parcels sizes reduce impacts to less than significant.
<i>Eryngium pinnatisectum</i> Tuolumne button-celery	None None	1B.2	Vernal pools, cismontane woodland, lower montane coniferous forest. Wetland. Volcanic soils; vernal pools and mesic sites within other natural communities. Potential habitat on project site; however, no sightings have occurred. Wetland habitats will be protected by Open Space zoning.
<i>Eryngium spinosepalum</i> spiny-sepaled button-celery	None None	1B.2	Vernal pools, valley and foothill grassland. Wetland. Some sites on clay soil of granitic origin; vernal pools, within grassland. Potential habitat on project site; however, no sightings have occurred. Wetland habitats will be protected by Open Space zoning.
<i>Lagophylla dichotoma</i> forked hare-leaf	None None	1B.1	Cismontane woodland, valley and foothill grassland. Sometimes clay. Potential habitat on project site; however, no sightings have occurred. Large parcels sizes reduce impacts to less than significant.
<i>Monardella venosa</i> veiny monardella	None None	1B.1	Valley and foothill grassland, cismontane woodland. In heavy clay; mostly with grassland associates. Rediscovered in 1992. Potential habitat on project site; however, no sightings have occurred. Large parcels sizes reduce impacts to less than significant.
<i>Erythronium tuolumnense</i> Tuolumne fawn lily	None None	1B.2	Broadleaved upland forest, chaparral, cismontane woodland, lower montane coniferous forest. Often on clay soils; on cliffs and near drainages. Potential habitat on project site; however, no sightings have occurred. Large parcels sizes reduce impacts to less than significant.

<i>Iris hartwegii</i> <i>ssp.</i> <i>Columbiana</i> Tuolumne iris	None None	1B.2	Cismontane woodland, lower montane coniferous forest. Potential habitat on project site; however, no sightings have occurred. Large parcels sizes reduce impacts to less than significant.
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The California Native Plant Society (CNPS) maintains a native rare plant list that is utilized for CEQA review purposes. The CNPS has created a ranking system that is placed on a plant, either at the species or sub-species level. The ranking system is:

- 1A: Plants Presumed Extirpated (extinct) in California and Either Rare or Extinct Elsewhere;
- 1B: Plants Rare, Threatened, or Endangered in California and Elsewhere
- 2A: Plants Presumed Extirpated in California, But Common Elsewhere
- 2B: Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere
- 3: Plants Which More Information is needed - A Review List
- 4: Plants of Limited Distribution - A Watch List

In addition, each rank is given a “threat” assessment:

- 0.1-Seriously threatened in California (over 80% of occurrences threatened / high degree and immediacy of threat)
- 0.2-Moderately threatened in California (20-80% occurrences threatened / moderate degree and immediacy of threat)
- 0.3-Not very threatened in California (less than 20% of occurrences threatened / low degree and immediacy of threat or no current threats known)

RIPARIAN AND WETLAND HABITAT

Wetlands and permanent and intermittent drainages, creeks, and streams identified as Waters of the United States are generally subject to the jurisdiction of the U.S. Army Corps of Engineers (Corps) under Section 404 of the Federal Clean Water Act. Streambeds are subject to regulation by the CDFW under Section 1602 of the California Fish and Game Code. A stream is defined under these regulations as a body of water that flows at least periodically or intermittently through a bed or channel having banks and that supports fish or other aquatic life. This definition includes watercourses having a surface or subsurface flow that supports or has supported riparian vegetation. CDFW jurisdiction typically extends to the bed, bank or channel of the stream.

Evidence of riparian and aquatic habitat is found on the project site. It is only located within the unnamed streams on the site. Two of the four streams on the site are identified as "intermittent" on the 7.5-minute USGS Quadrangle Sonora (2015). These intermittent streams are tributaries to Sullivan Creek, which is a tributary to Curtis Creek, which eventually drains into Don Pedro Reservoir and the Tuolumne River. On the 7.5 minute USGS Quadrangle Sonora (2015) map, a blue line stream is shown on the northern portion of the project site. This is the Jamestown Ditch, part of the Tuolumne Utilities District ditch system. Evidence of the ditch was not found on the project site, however a portion of it was located just off the project site, near the terminus of Martin Lane. It is believed that the other portions of the ditch have been relocated underground, as no evidence was found on the project site. No other aquatic, riparian or wetland habitat is found outside of the existing streams on the project site.



Mitigation Measures N2 and N5 of the Wildlife Handbook requires building and clearing setbacks of up to seventy-five (75) feet on both sides of intermittent and ephemeral streams. Mitigation Measure N3 states that these setbacks may be reduced by as much as 50% if the proper authority finds that a smaller setback would not increase the potential for erosion, would fully encompass the 100-year flood zone and would fully protect the existing riparian vegetation on the site. The building setback and vegetation clearing policies set in the Wildlife Handbook are required for the protection of the waterways and the riparian vegetation and wetlands adjacent to those waterways.

The proposed project has the potential to impact on-site intermittent and ephemeral drainages. As the proposed project map does not show on-site building sites, roadways, or driveways, protection of drainages is necessary to reduce impacts to a less than significant level. With the implementation of the mitigation measures below, impacts to riparian habitat, wetlands, and water quality will be less than significant.

O (Open Space) zoning is proposed along the intermittent streams, which will also include the majority of the oak woodland on the site. The O zoning will mitigate cumulative impacts to wildlife, protect wetlands and protect cultural resources.

All existing ranch roads in the proposed Open Space zoning will be allowed to continue to exist and be maintained but may not be enlarged. One driveway and utility crossing to serve each proposed parcel may cross the Open Space zoning district. Cattle and other livestock shall be allowed to continue to graze in the Open Space zoning district and access water through the Open Space. Fencing on the site shall be restricted to that listed in the Mitigation Measures below.

Migratory and Nesting Birds

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state regulations. The federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. Birds of prey are protected in California under the State Fish and Game Code section 3503.5 states it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this Code or any regulation adopted pursuant thereto." California Fish and Game Code Section 3503 prohibits the take of all birds and their nests, and Section 3513 protects the unlawful take of any migratory non-game bird. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "take" by the CDFW.

A survey for avian nests was completed at the project site. No active avian stick nests were observed during the survey in 2017. No nests were found in trees that would be impacted by project activities.

Despite no nests being observed at the time of the site inspection, the proposed project has the potential to impact nesting birds and migratory birds if project construction occurs during the nesting season. Typically, the avian nesting season is identified between February 1st and August 31st. To prevent the take of nesting birds protected under California Fish and Game Code Sections 3503 and 3505.5, as well as bird species protected under the Migratory Bird Treaty Act, mitigation measures should be included as mitigation if project activities will occur between February 1st and August 31st.

Burrowing Owl

Burrowing owls (*Athene cunicularia*) inhabit open, dry annual or perennial grasslands, deserts & scrublands characterized by low-growing vegetation. A subterranean nester, they are dependent upon burrowing mammals, most notably, the California ground squirrel. Preferred habitat is generally typified by short, sparse vegetation with few shrubs, level to gentle topography and well-drained soils. Grassland, shrub steppe, and desert are naturally occurring habitat types used by the species. In addition, burrowing owls may occur in some agricultural areas, ruderal grassy fields, vacant lots and pastures if the vegetation structure is suitable and there are useable burrows and foraging habitat in proximity.

Ground burrows were observed on the project site in various locations. Given the presence of ground burrows of the appropriate size, vegetation present on the site, and soil taxonomy, the project could be potential habitat for this species. While not observed, burrowing owls could be present on the project site. CNDDDB records show the nearest occurrence record for the species approximately 4.5 miles south.

In order to ensure that impacts to this species are less than significant, the mitigation measures below are recommended.

Bat Species

Four sensitive bat species have potential habitat on the project site:

- pallid bat (*Antrozous pallidus*)
- Townsend's big-eared bat (*Corynorhinus townsendii*)
- western mastiff bat (*Eumops perotis californicus*)
- western red bat (*Lasiurus blossevillii*)

No active or inactive roosts or bat activity was observed on the project site. Buildings and on-site trees were evaluated for roosting activity. The site may be used by bat species for foraging or roosting, despite none being observed during the site visit. Although the field reconnaissance did not report any visible signs of bats, it did identify potentially suitable roost habitat for sensitive and other common bat species within the structures and vegetation on the site. There is a potential for project activities to impact bat species using the project site for foraging or roosting. With the implementation of the mitigation measures below, impacts to bat species will be less than significant.

Conclusion

The project could have potential impacts to sensitive animal species, old growth oak species, nesting birds and bats species. No impacts are expected to wetland habitats (state or federal), riparian habitats, other sensitive natural communities, native resident or migratory fish or wildlife species, wildlife corridors, or wildlife nursery sites. Mitigation measures are included below to minimize impacts to sensitive animal species, the valley elderberry longhorn beetle, oak trees, nesting and migratory birds and bat species. With the implementation of these mitigation measures, all potential impacts would be reduced to a level of less than significance.

Mitigation Measures:

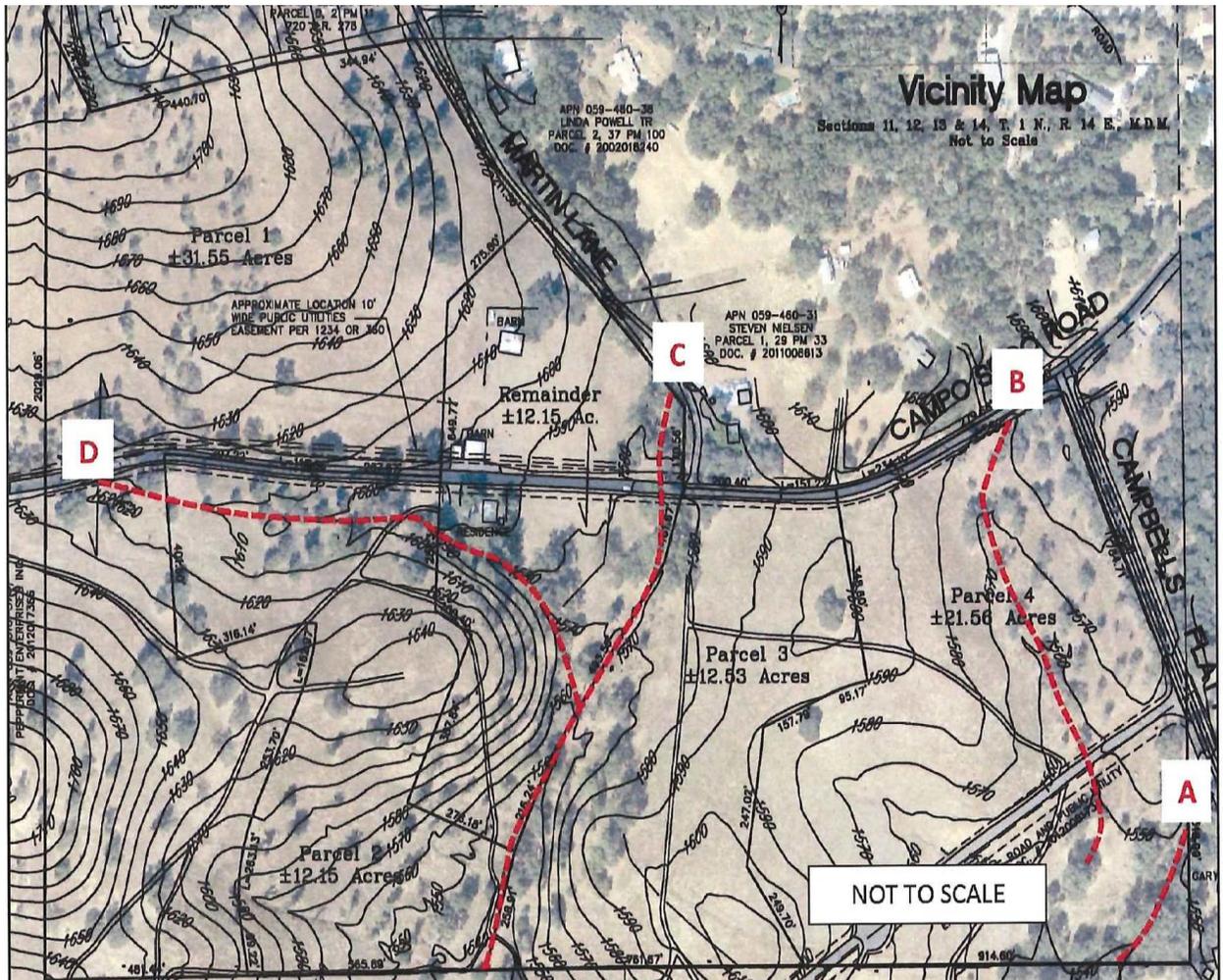
1. The following areas are shall be zone as Open Space (O):

Stream A: 75 feet from the center-line of the drainage both sides of the drainage, or to the property line.

Stream B: 75 feet from the center-line of the drainage, both sides of the drainage.

Stream C: 200 feet from the center- line of the drainage, both sides of the drainage, or to the property line.

Stream D: 75 feet from the center-line of the drainage, both sides of the drainage, or to the property line as shown on the following map:



2. Prior to initiation of ground disturbing activities, all Open Space zoning within 50-feet of ground disturbance shall be clearly flagged. Orange fencing shall be placed along the Open Space zoning to identify this as a no-construction zone where no disturbance shall occur.
3. To reduce impacts to water quality from potential runoff, straw barrels or other equivalent erosion control methods shall be implemented during each construction phase of the project, for any activities occurring between October 1st and April 1st.
4. To reduce impacts to water quality, no aerial spraying of herbicides, which could affect aquatic organisms, shall occur within the Open Space zoning. Other methods of weed management are permitted, such manual clearing, or other non-toxic methods.
5. Prior to disturbance of any areas zoned O (Open Space), a Conditional Use Permit shall be obtained from the Planning Division of the Community Development Department.
6. The owner shall submit notification for a Streambed Alteration Permit to the California Department of Fish and Wildlife prior to any work involving any waterways or drainages; or submit evidence that an agreement is not required.
7. No construction or improvements shall be implemented within 100 feet of each elderberry shrub in riparian areas. No new paving or gravel surfaces, structures (temporary or permanent), or other physical disturbance shall be permitted within 100 feet of the elderberry shrubs within the riparian areas.

8. Pre-construction surveys for burrowing owls will be conducted in accordance with the Department of Fish and Wildlife's survey and mitigation protocol. No less than 14 days prior to construction or grading/site preparation activities that would occur during the nesting/breeding season of burrowing owls (February 1st through August 31st), the applicant shall have a survey conducted by a qualified biologist to determine if active burrowing owl nests protected by the California Fish and Game Code are present in the construction zone or within 300 feet of the construction zone. Construction can proceed if no active owl nests are located during this survey. If an active nest is found during the survey, a 500-foot (this distance may vary depending on the bird species and construction activity, as determined by the biologist) fence barrier (subject to the review and approval of a qualified biologist) shall be erected around the nest site and clearing and construction within the fenced area shall be postponed or halted, at the discretion of the biological monitor, until the nest is vacated and juveniles have fledged, as determined by the biologist, and there is no evidence of a second attempt at nesting. The biologist shall serve as a construction monitor during those periods when construction activities shall occur near active nest areas to ensure that no inadvertent impacts on these nests shall occur.
9. Prior to commencing grading or construction work on the project site between February 1st and August 31st, a survey shall be completed by a qualified biologist to include examination of all nesting habitat for migratory non-game birds and raptors. The survey shall include the entire project site and areas within 500 feet of the project site boundary to the extent these areas can be viewed without trespassing on private property. The survey shall be conducted not more than 15 days prior to commencement of construction. If nesting non-listed raptors are identified during the surveys, a no disturbance buffer of at least 500 feet around the nest tree shall be delineated and observed. If active nests of migratory birds are identified by the survey, a no disturbance buffer of at least 250 feet around the nest shall be delineated and observed. No construction activities shall occur within the buffer area until it is determined by a qualified biologist that the young have fledged (left the nest) and are no longer reliant upon the nest or parental care for survival. If the survey identifies an active nest of a listed species, no construction activities associated with the project shall commence until after consultation with the California Department of Fish and Wildlife and implementation of appropriate avoidance measures have been implemented and approved by the Department of Fish and Wildlife. Stakes, and/or construction fencing should be used to demarcate the inside boundary of the buffer of 300 feet (or 500 feet) between the project activities and the nest. Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. The biological monitor should provide Tuolumne County Community Development Department with the results of the survey and recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of bird species.
10. Prior to any construction, excavation, tree removal or grading activities on the project site, a bat survey shall be conducted by a qualified biologist within 10 days of beginning of activities, to ensure no bats are in the trees or rock crevices near the area of proposed disturbance on the project site. Should bats be observed within 100 feet of the area of proposed disturbance, a qualified biologist shall conduct focused surveys to establish species usage and seasonal usage. The surveys shall be conducted during all dusk emergence and pre-dawn reentry within one 24-hour time period. If bat roosting sites are found, a no-disturbance buffer of 100 feet shall be delineated around each roosting site. New roosting site(s) shall be installed, and no activities will occur until a qualified biologist has determined that the bats have relocated to the new site. Should a listed species be discovered by the survey, no ground disturbing activities shall occur until consultation with the California Department of Fish and Wildlife and after implementation of appropriate avoidance measures. Pre-construction surveys shall be submitted to the Community Development Department for review and approval.
11. All grading and construction activities, including roads, utilities, and buildings, shall be setback at least 1.5 times the dripline of any old growth oak tree larger than 24 inches diameter at breast height (dbh).

12. All oak trees greater than 24 inches at breast height shall be avoided on the project site. If any Old Growth Oak (OGO) tree is removed from the project site, the property owner shall comply with the following measures: The property owner shall make a contribution to the Tuolumne County Oak Woodland Conservation Fund based upon the formula: Number of OGO removed x 0.50 x Current Land Value, and pay fees instead of replanting replacement trees per each Old Growth Oak removed based upon the formula: Number of OGO removed x 10 replacement trees x \$200.00 per each tree. The current land value used for the purpose of the fee shall be based upon the land value of one acre of agricultural land as determined by the County Assessor based upon the sales of parcels no larger than forty (40) acres in size during the previous twelve-month period. On July 1st of each year, the fee will be modified by the County Assessor to correspond to the land value of one acre of agricultural land meeting the criteria stated above. The land value is currently determined to be \$6,100.00 per acre based upon land value information provided by the County Assessor.
13. All parcels created pursuant to this map shall adhere to the following fencing restrictions in the Open Space zoning district:
 - a. Barbed wire fence shall be limited to five or fewer strands, with no strand lower than 16 inches or higher than 48 inches above the ground;
 - b. Hogwire fences shall only be allowed if needed for livestock such as hogs or sheep; and
 - c. Deer-proof fences, such as 6-foot solid wood fences, shall only be allowed around homesites and adjacent gardens and animal enclosures.
14. All existing ranch roads in the proposed Open Space zoning will be allowed to continue to exist and be maintained; however, no road may be enlarged. One driveway and utility crossing to serve each proposed parcel may cross the Open Space zoning district. Cattle and other livestock shall be allowed to continue to graze in the Open Space zoning district and access water through the Open Space.

Mitigation Monitoring:

1. Mitigation Measure 1 shall be completed prior to recordation of the Final Map.
2. Mitigation Measures 2, 7, 8, 9, and 10 shall be completed prior to grading activities, or the issuance of a Building Permit.
3. Mitigation Measures 3 and 4 shall be completed during grading or construction activities on the site.
4. Mitigation Measures 5, 6, 7, 11, 12, 13 and 14 shall be on-going. A Notice of Action will be recorded to advise future owners of the required mitigation measures and the responsibility to comply with said measures.

V. CULTURAL RESOURCES:

Issues and Supporting Information Sources	<i>Potentially Significant Impact</i>	<i>Less-than-Significant With Mitigation Incorporation</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>
Would the Proposed Project/Action:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the State CEQA Guidelines?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Setting:

State and Federal legislation requires the protection of historical and cultural resources. In 1971, the President's Executive Order No. 11593 required that all Federal agencies initiate procedures to preserve and maintain cultural resources by nomination and inclusion on the National Register of Historic Places.

In 1980, the Governor's Executive Order No. B-64-80 required that State agencies inventory all "significant historic and cultural sites, structures, and objects under their jurisdiction which are over 50 years of age and which may qualify for listing on the National Register of Historic Places." Likewise, Section 15064.5(b) of the CEQA Guidelines specifies that "projects that cause the physical demolition, destruction, relocation, or alteration of a historical resource or its immediate surroundings such that the significance of the historic resource would be materially impaired" shall be found to have a significant impact on the environment.

In September of 2014, the California Legislature passed Assembly Bill (AB) 52, which added provisions to the Public Resources Code (PRC) regarding the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. AB 52 now requires lead agencies to analyze project impacts to "tribal cultural resources" separately from archaeological resources (PRC §21074; 21083.09). The Bill defines "tribal cultural resources" in a new section of the PRC §21074. AB 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC §21080.3.1, 21080.3.2, 21082.3).

Analysis:

A cultural resource study entitled *Final Cultural Resources Study of the Martin Ranch Complex, Sonora, California, (APN 059-010-56)* was conducted on the property by Patrick GIS Group, Inc., Manteca California, in August 2017. The project site was studied for both archaeological and architectural resources. The field survey revealed identified eleven (11) archeological resources, two isolated finds and one unrecorded segment of a previously recorded resource. Two sites are prehistoric site, nine are historic era site and one is a multi-component site. Both isolated finds are prehistoric and consist of milling stone fragments. The sites are as follows:

Campo Seco 1 - This resource is an historic-era mining site consisting of a hearth, and a tent/flat cabin pad. The hearth is constructed of mud-laid stacked local schist rocks with three walls and one open side. The cabin pad flanks the hearth on the northern side and is dug out of the natural surface. Potentially eligible.

Campo Seco 2 – consists of a linear earthen trail, rock wall, fence line and black schist (rock) deposit. The rock wall is comprised of dry-laid field stone. The fence line is highly deteriorated wooden posts with mesh and barbwire fencing. Not eligible.

Campo Seco 3 – Consists of a milling station with one bedrock mortar on a schist outcrop. There are two well-developed mortar cups. No other artifacts were observed. Potentially eligible.

Campo Seco 4 – This resource is a sparse lithic scatter consisting of flaked stone tools, debitage and milling equipment. Artifacts found include two obsidian bifaces, one chert core, a granite milling slab, one granite hand stone and approximately fourteen tool flakes. Potentially eligible.

Campo Seco 5 – This resource is a sparse historic-era trash scatter, consisting of white earthenware fragments, stoneware fragments, cobalt glass fragments, chicken wire glass fragments and can fragments. Not eligible.

Campo Seco 6 – Is a moderate historic-era trash scatter and structure. The trash consists mainly of cans and glass fragments. The structure consists of dilapidated wooden roof clad in corrugated sheet metal, lumber, wire nails, and screen mesh openings. Not eligible.

Campo Seco 7 – Is a linear rock fence constructed of dry-laid field stones. Portions of the rock fence have a wooden fence built on top of it. Not eligible.

Camp Seco 8 – This resource is a multi-component site consisting of a sparse lithic scatter and historic-era trash deposit. Prehistoric cultural items include flaked stone tools, projectile points, and fire affected rocks. Historic-era trash consists of a glass bead, earthenware fragments, glass fragments and concrete. Potentially eligible.

Campo Seco 9 – This resource is a possible historic-era habitation site consisting of three features: a well with pump, concrete foundations and a subterranean pit covered with wood. The site is bordered to the east by an historic-era picket fence covered in Vinca Major plants. Part of the site continues to the east onto adjacent private property with more visible dilapidated structures. Potentially eligible.

Campo Seco 10 – This resource is a historic-era trash scatter consisting of a rusted metal bucket with handle, an Intertherm. Inc. brand 120v baseboard heater, a white earthenware rim fragment and various sheet metal sections. The site is most likely associated with the Martin House to the northeast. Not eligible.

Campo Seco 11- This resource is an area of extensive placer mining along three unnamed intermittent streams with drain into Sullivan Creek to the South. Mining activity is part of the Mother Lode landscape and precise site boundaries of this resource are impractical. The placer mining covers several acres of land and most likely took place between 1849 through the 1850s. Not eligible.

P-55-003916/CA-TUO-2931H – This resource is a portion of the Jamestown Ditch, constructed in 1852 by the Tuolumne Hydraulic Association. The ditch was originally known as the Hydraulic Ditch. A short abandoned section, north of the current alignment was recorded in 1992 by Shelly Davis-King, a local historian. The resource is constructed of excavated earth and lined with dry-laid stacked stone walls. The section of the ditch is 184 feet long. Segment not eligible.

Martin Ranch Complex - The Martin residence, tank house, two barns and a garage were also evaluated by Foothill Resources, LTD and recorded in August 2017. The residence is a one-story frame house with a rectangular shape. There is a medium pitched side-gable roof with a shed-roofed rear extension and broken roof line. The roof is covered in corrugated metal and the walls are clad in horizontal California Rustic Siding. A covered porch in primarily on the north façade and wraps around to the east elevation. The porch roof is supported by square wood posts with decorative brackets. The windows are a modern vinyl replacement and the entry door has been replaced recently.



MARTIN RESIDENCE

A three-story frame tank house is located east of the residence and stored water pumped from Black Spring, located to the south of the residence. The tank house has a tapered tower and a pyramidal roof. The walls area clad in modern V-Rustic siding. There are window and louvers for ventilation on the side elevations of the top story. A hay barn with post and beam framing is located opposite the residence across Campo Seco Road. Adjoining the hay barn on the west is a one-story framed equipment storage garage. The walls and roof and clad with corrugated metal. The garage contains two roll-up doors. Modern dog kennels are located to the rear of the building.

A livestock barn is located on a knoll to the north of the barn and garage. The livestock barn contains post and beam framing, truss roof and vertical boards affixed with wire nails. The central section is two stories in height with one-story shed-roof feed areas with earthen floors. The roofs are covered with corrugated metal. The Martin Ranch complex is eligible for inclusion into the California Register of Historical Places.

Conclusions: Of the total resources on the project site, six have been recommended as potentially eligible for the California Register of Historic Resources (CRHR) as follows: two prehistoric site, two historic-era sites, one multi-component site and the Martin Ranch Complex. The final results of the studies will be filed with the Central California Information Center of the California Historical Resources Information Center at California State University, Stanislaus. The report will be available to qualified professionals upon request.

Per the provisions of the California Environmental Quality Act, potential effects on cultural resources should be avoided through the use of Open Space, capping or covering or deeding the site into a permanent conservation easement. The use of Open Space zoning is recommended with a 100-foot buffer around each potentially eligible resource, with the exception of Campo Seco 8 which may exclude the residence and reasonable perimeter around the structures. The Martin Ranch Complex will require obtaining a Historic Conditional Use Permit prior to exterior changes to the historic structures, with review by the Historic Preservation Review Commission. Exemptions to the Use Permit requirement would be for ordinary maintenance, the repair or replacement of structural components with similar materials or colors, or that which is necessary for the protection of public health or safety as determined by the Director of the Community Development Department. Construction personnel should be trained by a qualified archeologist of the types of cultural resources they may encounter and the laws protecting those resources.

Should an inadvertent discovery of cultural materials be made during project related ground disturbing activities, ground disturbances in the area of the find must be halted and a qualified professional archaeologist must be notified regarding the discovery. The archaeologist shall determine whether the resource is potentially significant and develop appropriate mitigation pursuant to Section 14.10.150 of the Ordinance Code.

Mitigation:

1. Establish O (Open Space) zoning districts, including a 100-foot buffer around Cultural Resources Campo Seco 1, 3, 4, 8, 9 excluding portions of the Martin Ranch residence and complex as recommend by the 2017 Cultural Resource Study prepared by Patrick GIS Group, Inc.
2. The Martin residence, tank house, two barns and equipment garage will require obtaining a Historic Conditional Use Permit, and review by the Tuolumne County Historic Preservation Review Commission, prior to exterior changes to these structures. Exemptions to the Use Permit requirement would be for ordinary maintenance, the repair or replacement of structural components with similar materials or colors, or that which is necessary for the protection of public health or safety as determined by the Director of the Community Development Department.
3. Construction personnel shall be trained by a qualified archeologist of the types of cultural resources they may encounter and the laws protecting those resources.
4. A condition will be attached on the project to require that if, during the excavation or construction process, subsurface cultural resources are discovered on the project site, all work will stop

immediately until a qualified archaeologist, approved by the Community Development Department, evaluates said resources and establishes boundaries around archaeologically or historically sensitive areas. If the site is determined to be significant, appropriate mitigation measures will be formulated and implemented in accordance with Section 15064.5 of the *State CEQA Guidelines*.

Mitigation Monitoring:

1. Mitigation Measures 1 will be adopted prior to recording a Final Map. The required O (Open Space) zoning will be indicated on the Final Map. Property owners shall be provided a map of the O zoning district at the time of purchase.
2. Compliance with Mitigation Measure 2 will be prior to exterior changes to historic structures.
3. Mitigation Measure 3 will be required prior to any construction or ground disturbance on the site.
4. A Notice of Action will be recorded for Mitigation Measures 2, 3 and 4 to advise future owners of the required mitigation measures and the responsibility to comply with said measures.

VI. GEOLOGY AND SOILS:

Issues and Supporting Information Sources	<i>Potentially Significant Impact</i>	<i>Less-than-Significant With Mitigation Incorporation</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>
Would the Proposed Project/Action:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

The purpose of this section is to disclose and analyze the potential impacts associated with the geology of the project site and regional vicinity, and to analyze issues such as the potential exposure of people and property to geologic hazards, landform alteration, and erosion.

The project is located in central California, which is a region known to have limited fault zones and seismic activity. In the Jamestown area, the major natural hazards include wildfires and flooding.

In addition to the Tuolumne County General Plan and Ordinance Code, the project was evaluated using the Tuolumne County Multi-Jurisdiction Hazard Mitigation Plan, the USDA/CDF Cooperative Soil-Vegetation Survey of Tuolumne County, and the California Geological Survey's geotechnical maps.

The majority of Jamestown area is at approximately 1,427 feet in elevation. Soils on the site are designated as 68.0± acres of Sobrante (748), which is a light clay loam/silt loam with moderate permeability, good drainage, and slight to moderate erosion; 21.0± acres of Auburn (741) and 1.3± acres of unclassified (UI). Slopes on the site range from 10 percent to approximately 20 percent, which decreases the risk of soil erosion and the risk of landslides. Areas with fractured and steep slopes, where less consolidated or weathered soils overlie bedrock, have a higher risk of landslides. Given the slopes on this site, these risks are substantially lower. The most prominent slope is located near the western property boundary.

Groundshaking: The Alquist-Priolo Earthquake Fault Zoning Act was signed into California law on December 22, 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The Act only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards. The Act only applies to structures for human occupancy (houses, apartments, condominiums, etc.)

Soils and Liquefaction: Liquefaction is a process whereby soil is temporarily transformed to a fluid form during intense and prolonged groundshaking. Areas most prone to liquefaction are those that are water saturated (e.g., where the water table is less than 30 feet below the surface) and consist of relatively uniform sands that are low to medium density. In addition to necessary soil conditions, the ground acceleration and duration of the earthquake must be of sufficient energy to induce liquefaction.

Landslides: Landslides are a primary geologic hazard and are influenced by four factors:

- Strength of rock and resistance to failure, which is a function of rock type (or geologic formation);
- Geologic structure or orientation of a surface along which slippage could occur;
- Water (can add weight to a potentially unstable mass or influence strength of a potential failure surface); and,
- Topography (amount of slope in combination with gravitation forces).

Expansive Soils: Soils have the potential to shrink or swell significantly with changes in moisture content are called expansive soils. These soils can limit the development capacity of an area and may require significant construction modifications and excavation to replace existing materials with more stable soils. The amount of expansion (or contraction) of a soil is determined by the type and amount of the silt and clay content in the soil. Structural damage to buildings on expansive soils may result over long periods of time, usually from inadequate soils and foundation engineering, or the placement of structures directly on expansive soils.

Seiche: A seiche is a wave in a reservoir, lake, or harbor that is seismically-induced. These waves have potential to damage shoreline structures, dams, and levees. The likelihood of damage from a seiche in Tuolumne County is a low concern. The effects from a seiche would be similar to the flood hazard for a particular area, and the risk of occurrence is perceived as being considerably less than the risk of flooding.

Analysis:

The project site has been located on the Tuolumne County Geotechnical Interpretive Map for the USGS Sonora Minute Quadrangle. This map indicates that a geological hazard fault line occurs on the eastern portion of the property, which is proposed to be included within O (Open Space) zoning which will not allow structures. The slopes on the project site are considered to be stable pursuant to the Map.

Approximately 1.3± acres of the project site are classified as urbanized or industrial (Ui) on the USDA/CDF Cooperative Soil-Vegetation Survey Maps. As such, the onsite soils within this portion of the project site have not been analyzed. The USDA/CDF Cooperative Soil-Vegetation Survey Map for the USGS 7.5 Minute Sonora Quadrangle has classified the remaining portions of the site with the following soil series:

Soil Type: Sobrante 748							
Parent Material	Depth Range	Slope Range	Permeability	General Drainage	Erosion Hazard	Timber Suitability	Range Suitability
Greenstone	20-40 inches	0-30%	Moderate	Well	Slight to Moderate	Unsuited	Low to Medium

Soil Type: Auburn 741							
Parent Material	Depth Range	Slope Range	Permeability	General Drainage	Erosion Hazard	Timber Suitability	Range Suitability
Greenstone	10-28 inches	0-30%	Moderate	Well	Slight	Unsuited	Medium

Slopes on the site range from 10 percent to approximately 20 percent. Areas with fractured and steep slopes, where less consolidated or weathered soils overlie bedrock, have a higher risk of landslides. Given the soil type on this site, the risks are substantially lower for a landslide to occur on the project site. The most prominent slope running through the project site is approximately 20 percent and is located in the western portion of the site.

Grading for driveway and parking area improvements will be reviewed by the Engineering Division of the Department of Public Works and the Building and Safety Division of the Community Development Department. Grading necessary to construct these improvements would not result in a significant impact on the soil resources provided all grading and excavation on the site adheres to the requirements contained in Chapter 12.20 of the Ordinance Code pertaining to grading.

The project site is not subject to earthquakes, landslides, or subject to a substantial loss of topsoil. The site is not located on an unstable geologic unit or contains expansive soil. While the site could sustain an on-site sewage disposal and treatment systems, the site has public water availability through the Tuolumne Utilities District.

The project will not expose people or structures to adverse effects such as earthquakes, landslides, substantial erosion, unstable slopes, expansive soils, or other adverse geological impacts.

Mitigation Measures: None required.

Mitigation Monitoring: Not applicable.

VII. GREENHOUSE GAS EMISSIONS:

Issues and Supporting Information Sources

Potentially Significant Impact *Less-than-Significant with Mitigation Incorporation* *Less-than-Significant Impact* *No Impact*

Would the Proposed Project/Action:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Environmental Setting:

Global warming is a term used to refer to the observed increase in the average temperature of the Earth’s atmosphere and oceans in recent decades. Science is not unanimous about the cause of global warming. There is some science that suggests this is a cyclical phenomenon that has repeated itself over history (counteracted by periods of global cooling) and is therefore related to many naturally occurring events. However, there is other science that suggests that global warming may be related to increasing greenhouse gas concentrations in the atmosphere, specifically as a result of human activities, such as the consumption of fossil fuels for electricity production and transportation.

Gases that trap heat in the atmosphere are called greenhouse gases (GHGs). The effect is analogous to the way a greenhouse retains heat. Common greenhouse gases include water vapor, carbon dioxide, methane, nitrous oxides, chlorofluorocarbons, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, ozone, and aerosols. Both natural processes and human activities emit greenhouse gases.

Greenhouse gases are emitted by both natural processes and human activities. Of these gases, CO₂ and CH₄ are emitted in the greatest quantities from human activities. Emissions of CO₂ are largely by-products of fossil fuel combustion, whereas CH₄ results from off-gassing associated with agricultural practices and the decomposition of organic materials within landfills. Man-made GHGs, which have a much greater heat-absorption potential than CO₂, include fluorinated gases, such as hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulfur hexafluoride (SF₆), which are byproducts of certain industrial processes. Plants use carbon dioxide and water in photosynthesis and releases oxygen as a waste product. Humans use this oxygen to breathe and produce CO₂ as a byproduct of respiration.

The different types of GHGs have varying global warming potentials (GWPs). The GWP of a GHG is the potential of a gas or aerosol to trap heat in the atmosphere. Because GHGs absorb different amounts of heat, a common reference gas, usually carbon dioxide, is used to relate the amount of heat absorbed to the amount of the gas emissions, referred to as “CO₂ equivalent,” and is the amount of a GHG emitted multiplied by its GWP. Carbon dioxide has a GWP of one. By contrast, methane (CH₄) has a GWP of 21, meaning its global warming effect is 21 times greater than carbon dioxide on a molecule per molecule basis.

**Table 1
Global Warming Potentials (GWPs)**

Gas	Global Warming Potential
Carbon Dioxide	1
Methane	21
Nitrous Oxide	310
HFC-23	11,700
HFC-134a	1,300
HFC-152a	140
PFC: Tetrafluoromethane (CF ₄)	6,500
PFC: Hexafluoroethane (C ₂ F ₆)	9,200
Sulfur Hexafluoride (SF ₆)	23,900
Source: http://epa.gov/climatechange/emissions/downloads09/Introduction.pdf	

As noted above, the earth needs a certain amount of greenhouse gases in order to maintain a livable temperature. However, it is believed by many that global climate change may occur as a result of excess amounts of GHG, which, in turn, may result in significant adverse effects to the environment that will be experienced worldwide. The effects may include the melting of polar ice caps and rising sea levels, increased flooding in wet areas, droughts in arid areas, harsher storms, problems with agriculture, and the extinction of some animal species. Regardless of whether the rise in GHG is caused by natural cyclic events or not, it is

widely believed production of additional GHG should be reduced in order to maintain a “healthy” level of GHG in the atmosphere.

Analysis:

Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006 (Núñez, Chapter 488, Statutes of 2006) requires a reduction in California’s greenhouse gas emissions to 1990 levels by 2020. AB 32 also required the California Air Resources Board (ARB) to develop a policy plan for reaching the 2020 emissions target and to adopt and enforce regulations to implement the plan. The resulting AB 32 *Climate Change Scoping Plan* (herein referred to as “Scoping Plan”) was adopted by ARB in December 2008.

In conjunction with the Tuolumne Tomorrow Blueprint Planning Project, the Tuolumne County Transportation Council prepared a countywide Greenhouse Gas Study. The study was completed in January 2012 and presents the results of a countywide (including both incorporated and unincorporated areas) GHG emissions inventory, which evaluated existing (2010) GHG emissions. It also identified measures which land use project applicants can implement to reduce GHG emissions consistent with AB 32.

To assist project applicants with determining whether a proposed project’s GHG emissions are consistent with AB 32 and the countywide reduction target, the study provides two sets of screening criteria. If a project meets either set of screening criteria, then the lead agency or project applicant would not need to perform an assessment of the project’s GHG emissions.

For projects that do not meet either set of screening criteria, the Tuolumne County Greenhouse Gas Study identifies a project-level GHG emissions threshold of 4.6 MT CO₂e (carbon dioxide equivalent) per service population (the sum of the number of jobs and the number of residents provided by a project) per year that can be applied evenly to future land development applications countywide to ensure that new development reduces its share of emissions consistent with AB 32 and the countywide reduction target. This project-level - threshold is presented along with guidance on how to calculate a project’s potential GHG emissions and determine whether it meets the project-level GHG emission threshold, and measures to reduce emissions if necessary.

If a proposed project *either* is equal to or less than the project size screening criteria in Table 2 of the GHG study, *or* incorporates *all* of the measures identified in Table 3 (P-1 through P-4) below, then a project specific assessment is not required.

Table 2: Project Screening Criteria by Project Size and Type

Single Family	4 parcels
Apartment, Condo, Townhouse	8 dwelling units
Commercial/Retail	2,000 square feet
Industrial	5,000 square feet
*Note: These screening criteria represent the maximum operational size of a project by land use type.	

Source: Table 5.8 of the Tuolumne County Greenhouse Gas Study

Table 3: Project Screening Criteria by Project Features

P-1: Project exceeds the California Energy Code requirements by 15 percent, based on the 2008 Energy Efficiency Standards requirements, through the installation of energy efficient design, lighting, equipment, appliances, or solar photovoltaic panels that provide 15 percent or more of the project’s energy needs.
P-2: Project does not include fuel oil as a heating source.
P-3: Project provides dedicated and accessible recycling and green waste bins with instructions/education program explaining how to use the bins, what can go into each bin, and the importance of recycling.
P-4: Project (non-residential only) provides designated parking for any

combination of low-emitting, fuel-efficient and carpool/vanpools vehicles at 10 percent of the total spaces, consistent with the 2010 California Green Building Standards Code Tier 1 measure (Table A5.106.5.1.1).

*Note: A project using this screening criteria table must incorporate all project features (P-1 through P-3 for residential, and P-1 through P-4 for non-residential) listed above.

Source: Table 5.9 of the Tuolumne County Greenhouse Gas Study

The current project does not meet the criteria to be exempt from requiring a greenhouse gas analysis in Table 2; however, the applicant has included the Project Screening Criteria by Project Features found in Table 3 as part of the project description for the proposed project. Therefore, the applicant has proposed that the project will prohibit the use of fuel oil as a heating source and provide on-site recycling and green waste bins.

Existing historic structures are allowed to utilize the State Historical Building Code for improvements. New construction will be required to meet the 2016 California Building Code requirements. The 2016 Building Code exceeds the 2008 Energy Efficiency Standards by more than 15%; therefore, the measure to exceed the 2008 Code for energy efficiency will not be attached to Conditions of Approval for Tentative Subdivision Map T18-0046. The implementation of the mitigation measures found in Table 3 will make the project's greenhouse gas impacts less than significant.

Mitigation Measures:

1. The project shall not utilize fuel oil as a heating source.
2. The project shall provide dedicated and accessible recycling bins with instructions/education program explaining how to use the bins, what can go into each bin, and the importance of recycling.
3. The project shall be consistent with the 2016 California Green Building Standards Code Tier 1 measure.

Mitigation Monitoring:

1. Mitigation Measures 1-3 will be implemented prior to issuance of a Building Permit and shall be monitored by the Building and Safety Division.
2. A Notice of Action shall be recorded for Mitigation Measures 1-3 to advise future owners of the required mitigation measures and the responsibility to comply with said measures.

VIII. HAZARDS AND HAZARDOUS MATERIALS:

Issues and Supporting Information Sources	<i>Potentially Significant Impact</i>	<i>Less-than-Significant With Mitigation Incorporation</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>
Would the Proposed Project/Action:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| e) If located within the Tuolumne County Airport Land Use Compatibility Plan, result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) If located within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? Refer to Public Services Section for analysis. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Environmental Setting:

The project involves changing the General Plan land use designation and zoning of a 90.3± acre site to allow a land division for eight (8) parcels ranging in size from 10.0± acres to 14.2± acres. This could allow a potential of up to sixteen (16) residences on the project site.

Hazardous and non-hazardous wastes that are likely to be generated from project operation would most likely include but is not limited to hydraulic fluids and solvents used in the construction operations of new residences. All wastes would be required to be handled, stored, transported, and disposed of according to a framework of federal, state and local regulations. Regulatory bodies include, but are not limited to, the California Environmental Protection Agency, Department of Toxic Substances Control, Tuolumne County Environmental Health, U.S. and California Department of Transportation, and the California Division of Occupational Safety and Health.

Analysis:

A review of the Department of Toxic Substances Control (DTSC) database, *EnviroStor*, which includes lists of hazardous materials sites compiled pursuant to California Government Code Section 65962.5, did not identify any sites on or adjacent to the project site that have used, stored, disposed of, or released hazardous materials. Construction or maintenance activities associated with the structures on the site could involve the use of potentially hazardous materials, including paints, cleaning materials, vehicle fuels, oils, and transmission fluids. However, all potentially hazardous materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. Therefore, there would be no impact for this project.

The nearest airport to the project site is the Columbia Airport, approximately five (5) miles to the northwest of the project site. The site is not within the Airport Land Use Compatibility Plan boundaries. There are no private air strips in the vicinity of the project site. The proposed project will not interfere with operations at the Columbia Airport or create a safety hazard for persons on the project site.

The Fire and Resource Assessment Program (FRAP) *Map of Fire Hazard Severity Zones in State Responsibility Areas* indicates the project site as being located within a high fire hazard area. This rating is based on factors of slope, vegetation and annual summer weather patterns. These zones, referred to as Fire Hazard Severity Zones (FHSZ), provide the basis for application of various mitigation strategies to reduce risks to buildings associated with wildland fires. The zones also relate to the requirements for building codes designed to reduce the ignition potential to buildings in the wildland-urban interface zone. Because the project will allow development in an area with a high fire hazard, approval of the proposed project could create a significant adverse impact on the Tuolumne County Fire Department's ability to provide service. To reduce this impact to an acceptable level, conditions will be attached to Vesting Tentative Parcel Map T18-046 including requirements for fuel reduction, defensible space building setbacks, road construction standards, driveway construction standards, residential gates, fire and life safety requirements, road signage and residential identification found in Titles 11, 12, 15 and 16 of the Ordinance Code, the California Building Code, and the California Fire Code. Application of the above-mentioned code requirements will reduce impacts related to fire hazard and fire protection to no impacts.

With the implementation of protection measures utilizing the National Fire Code, California Fire Code, California Building Code, the Tuolumne County General Plan and Ordinance Code, the project's impacts on hazards and hazardous materials will be less than significant.

Mitigation Measures: None required.

Mitigation Monitoring: Not applicable.

IX. HYDROLOGY AND WATER QUALITY:

Issues and Supporting Information Sources	<i>Potentially Significant Impact</i>	<i>Less-than-Significant With Mitigation Incorporation</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>
Would the Proposed Project/Action:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there should be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or situation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Provide substantial additional sources of polluted runoff or otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

The project site is located within the Tuolumne River watershed. Tuolumne River is a watershed that runs 149 miles long and runs through the county of Tuolumne. Tuolumne River travels east to west and extends from Modesto, the most western side, to Yosemite National park, the most eastern side. The nearest lake is to the project site is the New Melones Reservoir, located approximately 4 miles to the west of the project site. Lake Don Pedro Reservoir and the Tuolumne River is located approximately 5 miles to the southwest.

Four unnamed intermittent streams traverse the project site from a generally northern flow towards the southwest. The streams are tributaries to Sullivan Creek, located approximately ¼ mile to the south of the

project site. A majority of the runoff from the project site drains to this creek and eventually entering into the Lake Don Pedro reservoir and the Tuolumne River.

The project site is located within the service district of the Tuolumne Utilities District (TUD) who has availability to provide public water service. Surface water is supplied to TUD from the South Fork of the Stanislaus River under a 1983 Agreement with PG&E. The Agreement provides that PG&E will continue to provide, in perpetuity, a water supply to the TUD water system under PG&E's water rights in the South Fork of the Stanislaus River. This includes PG&E's Lyons Reservoir and Pinecrest Lake which is delivered through PG&E's main Tuolumne Canal. The Canal is used to deliver water to Phoenix Lake Power House where TUD takes delivery of the water for customers in the Sonora and Jamestown area.

The 1983 Agreement states that PG&E will provide a "base supply" delivered to diversion points along the Main Tuolumne Canal and that a "supplemental supply" volume of water be delivered through Lyons Reservoir and Pinecrest Lake storage. The distribution typically occurring after Labor Day and through the end of the calendar year of each year. The volume of water under the Agreement each year is not quantified, but is formula-determined, based on the amount of natural flow of the South Fork of the Stanislaus River and what can be made available to TUD for a given year. Additional water is available for purchase depending on timing of runoff in each year. The minimum surface water supply from PG&E is calculated to be approximately 24,500 acre feet, based on the available annual water supply.

Groundwater from TUD wells provides approximately three (3) percent of the domestic water supplied annually to TUD customers. The majority of available groundwater is transient and found in fractured rock. The County is located within the foothills and higher elevations of the Sierra Nevada where the subsurface material consists primarily of impermeable granitic and greenstone bedrock which can result in a low groundwater yield.

The project site is an historic ranch with an existing well and water storage tank building to the east of the existing ranch house. The project applicant is proposing each new residence be served by public water provided by TUD.

The Federal Emergency Management Agency (FEMA) provides information on flood hazards for communities based on its Flood Insurance Rate Maps (FIRM).

Analysis:

Four intermittent streams are located on the project site and eventually connects to the Lake Don Pedro Reservoir and Tuolumne River to the southwest. The streams will be protected through O (Open Space) zoning as mitigation for impacts to wetlands, oak woodland, cultural resources and cumulative impacts to wildlife resulting from Vesting Tentative Subdivision Map T18-046. For further discussion of the streams and the Open Space zoning, please refer to the "*Biological Resources*" section of this document.

Runoff from the project site has the potential to transport silt and other sediments to off-site surface waters if soil surfaces exposed during construction on the project site are not stabilized. The Federal Water Pollution Control Act was adopted to protect the quality of surface waters of the Country and is implemented through the National Pollutant Discharge Elimination System (NPDES). In California, the NPDES is implemented through the Storm Water Permitting Unit of the State Water Resources Control Board. Pursuant to State regulations, land development projects, which disturb one acre or more must submit a Notice of Intent (NOI) to obtain coverage under the General Construction Activity Storm Water Permit. The project will be conditioned to require that the property owner submit the NOI to comply with the Federal Water Pollution Control Act and minimize pollution of surface waters.

There are no existing public storm drainages in the project vicinity. Storm drainage from the project site is via natural channels and drainages that traverse the property. Existing storm drainage features on and in the vicinity of the project site are limited to roadside ditches and culverts which conduct storm drainage across existing roadways. Given the limited alterations that will be required for the project, there is expected to only be minor increases in runoff from the site. Runoff from the project would be directed to existing natural

channels on the property and to the intermittent streams that would discharge into Sullivan Creek, eventually reaching the Lake Don Pedro reservoir. The Engineering Division of the Department of Public Works has reviewed the proposed project and has advised that drainage easements on the site shall be provided as depicted on the Final Map. Enforcement of the County Grading Ordinance will serve to retain disturbed soils on the project site and minimize siltation of downstream water bodies.

The provisions of the Grading Ordinance, Chapter 12.20 of the Ordinance Code, shall be enforced by the Engineering Division of the Department of Public Works for driveway and parking area improvements required for this project. Because of the erosive nature of the soils on the project site, an Erosion Control Plan will be required as a condition of approval for the proposed project for any construction activities occurring between October 15 and May 15 of any year. In the absence of such plan, all construction shall cease on or before October 15, except that necessary to implement erosion control measures. The Engineering Division has the authority to require emergency erosion control measures pursuant to the Grading Ordinance, Chapter 12.20 of the Ordinance Code. This will serve to minimize siltation of downstream water bodies.

Stream crossings or alteration of waterways will require consultation with the California Department of Fish and Wildlife. A Streambed Alteration Agreement or waiver must be obtained from the California Department of Fish and Wildlife, pursuant to Sections 1600-1616 of the California Fish and Game Code, for alterations to waterways on the site. Alternatively, evidence can be provided from a qualified professional indicating if a Streambed Alteration Agreement would be required or not for a future streambed alteration.

The project site has been located on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps, Community Panel No. 06109C0850C. These maps indicate that the project site is not located within a flood hazard area. Consequently, approval of the project would not result in a significant flood hazard to persons on the project site.

Utilization of the County Grading Ordinance during the construction of improvements would not result in significant impacts to water quality standards, alter the drainage pattern of the site, create excess runoff, or otherwise create flooding on or off the site.

Comments received from the Tuolumne County Environmental Health Division indicate that future development of the property will require compliance with Chapters 13.08 and 13.16 of the Tuolumne County Ordinance Code. Section 13.08.050 of the Tuolumne County Ordinance Code requires that a permit be secured from the Tuolumne County Environmental Health Division prior to construction of an on-site sewage treatment and disposal system within the unincorporated area of Tuolumne County. The project applicant is proposing that all residences on the site utilized an on-site sewage treatment and disposal system.

Chapter 13.16 of the Tuolumne County Ordinance Code regulates the construction, reconstruction, modification, abandonment and destruction of domestic and agricultural wells, cathodic protection wells, industrial wells, geothermal heat exchange wells, monitoring and observation wells, test wells and test holes and exploration holes in such a manner that the groundwater of the county will not be contaminated or polluted and that water obtained from wells will be suitable for beneficial use and will not jeopardize the health, safety or welfare of the people of the county.

Section 13.16.050 states that no person shall commence to dig, bore or drill a well or to deepen, seal, re-perforate, abandon or destroy an existing well in the unincorporated area of Tuolumne County without first having obtained a permit to do such work from the Environmental Health Division.

There is an existing well and water storage tank building for the existing residence on the site. The project applicant is proposing that all new residences utilize public water provided by the Tuolumne Utilities District.

Approval of Vesting Tentative Subdivision Map T18-046 would, therefore, not result in a significant impact on the water quality of the project site; or expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam, tsunamis or mudflow.

Mitigation Measures: None required.

Mitigation Monitoring: Not applicable.

X. LAND USE AND PLANNING:

Issues and Supporting Information Sources	<i>Potentially Significant Impact</i>	<i>Less-than-Significant With Mitigation Incorporation</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>
Would the Proposed Project/Action:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

The property is 90.3± acres in size and is currently zoned AE-37 (Exclusive Agricultural, Thirty-Seven Acres Minimum) under Title 17 of the Tuolumne County Ordinance Code with an existing General Plan land use designation of Agricultural (AG). Parcels to the west and south are also zoned AE-37. Parcels to the east and northeast have Residential Estate zoning districts. The table containing the surrounding General Plan land use designations and zoning districts is located on Page 3 of this document.

Analysis:

The existing AG designation provides for the production of food and fiber and other productive or potentially productive lands where commercial agricultural uses can exist without creating conflicts with other land uses or where potential conflicts can be minimized. This designation is found throughout the County but is concentrated in the western part of the County.

Typical land uses allowed include crop production, orchards and vineyards, grazing, pasture and rangeland, recreational farming, resource extraction activities, facilities that directly support agricultural operations and public facilities. Allowable residential development in areas designated AG include one single family dwelling and one additional single-family dwelling per parcel, caretaker and employee housing and agricultural laborer housing.

The proposed Large Lot Residential (LR) land use designation provides for 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 and serves as a buffer between urban and urbanizing areas and agricultural land.

Typical uses allowed in the LR designation include one single family dwelling per parcel, one secondary dwelling when the parcel is twenty (20) acres or larger, agricultural uses, such as crop production and grazing, roadside stands for agricultural products, and public facilities.

The following Goals, Policies and Implementation Programs of the Tuolumne County General Plan and Columbia Community Plan pertain to this project.

2018 GENERAL PLAN GOALS AND POLICIES

General Plan	
Goals and Policies	Project Consistency
<p>Policy 1.A.b: Provide an appropriate range of land use designations to serve the needs of the residents of the County and designate an adequate amount of land in each land use category to provide a balanced pattern of development. Use overlay designations to recognize special features or characteristics of areas of the County that may affect development potential or create opportunities for conservation of special resources.</p>	<p>The project proposes a change in the existing General Plan land use designation from AG to LR, in order to expedite Tentative Subdivision Map T18-046 for eight parcels. The project would allow for more residential development while still allowing for agricultural uses on each parcel.</p>
<p>Policy 1.A.3: Address the impacts associated with new development on cultural resources and conserve such resources where appropriate.</p>	<p>A Cultural Resource Study identified resources on the project site. O (Open Space) zoning is proposed to be placed around cultural resources on the site to aid in their protection from development.</p>
<p>Policy 1.A.5: Promote infill and clustered patterns of development that facilitate the efficient and timely provision of infrastructure and services.</p>	<p>The proposed land division would allow up to sixteen residences on the site. The project site is located adjacent to smaller lots on the eastern side and would be an in-fill type of development in the Jamestown area of Tuolumne County. The site is accessed by Campo Seco Road, which is a paved County maintained road. The site is within the Tuolumne Utilities District and will connect to public water service.</p>
<p>Implementation Program 1.B.a: Designate, where possible, land around existing non-residential land uses, such as agriculture, timberlands, mining preserves and industry, for new development that is compatible with these existing uses.</p>	<p>The project site is adjacent to parcels on the west and south that are designated for agricultural uses. The project proposes parcels ranging in size from 10± acres to 14.3± acres which would still allow for an agricultural use along with residential development.</p>
<p>Policy 8.A.1: Avoid the conversion of agricultural lands from the Agricultural General Plan land use designation and compatible zonings.</p>	<p>The proposed project was heard by the Agricultural Advisory Committee on April 30, 2019. The Committee recommended approval of the project since the proposed A-10 zoning and parcel sizes would still allow for the agricultural use of the parcels.</p>
<p>Implementation Program 8.A.b - Grant exceptions to the policies and implementation programs regarding conversion of agricultural land contained in this Element only when such exception is approved by the Board of Supervisors.</p> <p>Implementation Program 8.A.c - Utilize the Agricultural Rating System matrix only to evaluate applications proposing exceptions to Policy 8.A.1 and Policy 8.A.2.</p>	<p>The project site has been rated as Agricultural Land of Local Importance utilizing the Agricultural Rating System Matrix of the General Plan. The proposed parcel sizes and proposed zoning district would still allow for the agricultural use of the land.</p>
<p>Policy 8.A.4: Development proposed adjacent to land designated Agricultural by the General Plan land use diagrams shall provide a buffer</p>	<p>The proposed project was heard by the Agricultural Advisory Committee on April 30, 2019. The Committee recommended maintaining a 200-foot building setback</p>

<p>from the agricultural land. The buffer shall be 200 feet in width and located on the development site. No residential or non-agricultural buildings may be erected in the buffer area as long as the adjacent land remains designated Agricultural. The buffer may be reduced in width by the Board of Supervisors after considering the recommendation of the Agricultural Advisory Committee</p>	<p>from the High Value agricultural property to the south. The setback line will be shown on the Final Map.</p>
<p>Policy 8.B.6: Refer applications for discretionary land use entitlements submitted to the Community Development Department proposing development of parcels that are zoned AE (AE-37, AE-80 or AE-160), are at least 37 gross acres in area and are located adjacent to land designated for agricultural use to the Agricultural Advisory Committee for review and recommendation regardless of the General Plan land use designation of the parcel to allow an opportunity to comment on impacts to adjacent agricultural land.</p>	<p>At its hearing on April 30, 2019, the Agricultural Advisory Committee recommended approval of Agricultural Preserve Amendment AP14-001 (1), General Plan Amendment GPA14-006(1), Zone Change RZ14-016(1) and Tentative Subdivision Map T18-046. The Committee determined that smaller lots are adjacent to the project site on the east and that the proposed parcel sizes could still be utilized for agricultural purposes.</p>

Zoning Ordinance

The proposed A-10 (General Agricultural, Ten Acre Minimum) and O (Open Space) zoning districts on the project site are consistent with the proposed Large Lot Residential (LR) land use designation pursuant to Figure 1.3 of the 2018 General Plan Technical Background Report. Specific sections of the Ordinance Code that pertain to the project site are as follows:

Zoning Ordinance	
Requirements	Project Compliance
<p>Section 17.12.010- The purpose of the propose A-10 (General Agricultural, Ten Acre Minimum zoning district is to provide for country-estate 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. Development in this zone must comply with Title 15 of this Code relative to fire safety standards.</p>	<p>Tentative Subdivision Map T18-046 proposes parcels ranging in size from 10± acres to 14.3± acres. Each parcel would be allowed to conduct agricultural operations as a permitted use.</p>
<p>Section 17.12.020- Within the A-10 district the following uses are permitted: one primary single-family dwelling per parcel; one additional single-family dwelling or guesthouse, when the parcel is ten acres or greater.</p>	<p>Each parcel will be a minimum of ten acres, which would allow two dwellings per parcel.</p>
<p>Section 17.12.030- states that within the A-10 zoning district the following are allowed subject to a Conditional Use Permit: one additional single-family dwelling, ten acres per unit maximum density; agricultural processing facilities and activities for products not related</p>	<p>The proposed parcels sizes would allow for obtaining a Conditional Use Permit for several of the potential Conditional uses; however, some of the Conditional uses would require larger sized parcels, such as the construction of additional dwelling units in excess of two, or the development of mineral extracts.</p>

<p>to the agricultural product grown on the parcel or which exceed 10% of the parcel size or 2 acres, whichever is less; roadside stand exceeding one thousand five hundred (1,500) square feet in area; agricultural by-product processing facilities not accessory to the agricultural operation on the parcel, including commercial composting facilities; livestock feed yards, stockyards, auction yards; slaughterhouses, or rendering plants; animal hospitals, outdoors, veterinary clinics, kennels, or animal boarding facilities; commercial stables with more than 20 stalls; large scale development of mineral resources or surface development of mineral resources within two hundred feet of any exterior property line; sawmills; farms stays and guest ranches.</p>	
<p>Section 17.14.010- states that the intent of the (O) district is to protect the public in areas not suitable for development because of flooding or other natural hazards and to provide areas of open space for the protection of wildlife habitat and scenic quality where vegetation removal may be appropriate in certain instances or for the preservation of cultural resources.</p>	<p>The four intermittent streams on the project site, portions of oak woodland and cultural resources on the site are proposed to be located within the O zoning district.</p>

Letters explaining both projects and soliciting an opinion were sent to 106 owners of property located within 1,000 feet of the 90.3± acre project area boundary were mailed on January 14, 2015, September 11, 2017, February 14, 2019 and March 21, 2019 for project revisions. Fourteen (14) property owners responded to this project, include a detailed response objecting to the project which was signed in petition format by several property owners. Some of the comments are as follows:

Opposed:

- **Wildlife Concerns:**

An adjoining property owner expressed concerns that the project would interfere with wild turkeys, deer herds, mountain lions and red foxes. The project proposes eight (8) parcels ranging in size from 10.0± acres to 14.3± acres. Approximately 21.5± acres of the site are proposed to be placed into O (Open Space) zoning to protect habitat values along riparian corridors, portions of oak woodland and cultural resources. The project, as proposed, is not expected to have a significant impact on special status species or native wildlife in the area. For further information, please see the Biological Resources Section of this document.

- **Premature removal of oak trees from the site:**

In 2008, a complaint was received from adjacent property owners that oak trees were being removed from the project site. The Community Development Department conducted a site inspection and documented the removal of several oak species on the site. On March 25, 2008, the County adopted a Premature Removal of Oak Trees Ordinance (2903) to address developers removing oak trees prior to submission of a development application for a discretionary entitlement. The Ordinance specifies that if oak trees are removed which reduces the canopy cover by greater than 10 percent or remove old growth oaks trees or valley oaks greater than 5-inches diameter-at-breast height, prior to five years of receiving a development application, the property owner would be subject to monetary fines or other mitigation. The application for the current entitlement was received on December 3, 2014, greater than five years from the date of removal of oak trees on the site. Therefore, there is no violation of the Premature Removal of Oak Tree Ordinance on the project site.

- **Not Consistent with the Tuolumne County General Plan or Ordinance Code:**
Please see the sections above which discuss the General Plan and Ordinance Code.

- **Water well concerns:**

The project site is proposing the use of public water, provided by the Tuolumne Utilities District to serve the residences. Wells could still be utilized for agricultural purposes on the site. Since Tuolumne County does not have one continuous aquifer for water storage, individual wells utilize water stored in fractured rock formations. The wells on the project site may be located in a rock formation separate from neighboring wells. The project site is currently being served by one on-site well. The Environmental Health Division of the Community Development Department oversees the placement and use of wells in Tuolumne County. All wells must meet Chapter 13.16 of the Ordinance Code.

- **Septic system contamination of surface and groundwater:**

The project proposes eight (8) parcels which could allow for a maximum of sixteen (16) residences on the 90.3± acre site. Each residence would be served by an on-site sewage disposal and treatment system. Approximately 21.5± acres of O (Open Space) zoning is proposed on the project site, which includes building setbacks from the four intermittent streams on the site. The Ordinance Code requires setbacks of leach lines from surface water sources and water wells, to prevent contamination to the surface water or groundwater. For further information, please see the Utilities section of this document.

A Stormwater Pollution Prevention Plan (SWPPP) is required to be developed and submitted with the Notice of Intention (NOI) to obtain coverage under the General Construction Activity Storm Water Permit. The SWPPP includes Best Management Practices (BMPs), which will minimize stormwater runoff, erosion, and sediment movement during project construction. The SWPPP will also include BMPs for preventing the discharge of NPDES pollutants other than sediment (such as fertilizers, petroleum hydrocarbons, paint, etc) to downstream waters.

Based on the above and pursuant to implementation of the proposed conditions requiring the preparation of a SWPPP, the submittal of a NOI, and the enforcement of the County's Grading Ordinance, the project's impacts on hydrology and water quality would be less-than-significant. For further information, please see the Hydrology section of this document.

- **Traffic issues:**

The project is accessed via Campo Seco Road, a two-lane paved County maintained road which is classified as a minor collector road. Minor collectors generally serve lower density areas and, therefore, do not have the traffic volume that major collectors do. Minor collector roads often serve to funnel traffic from groups of local roads onto the major collectors and arterial routes. Minor collectors should be spaced to bring all developing areas of the County within reasonable distance of major collectors or arterial routes. A Traffic County from October 1, 2014, determined that an average of 1,459 daily vehicle trips occurred on Camp Seco Road. For more information, please see the Transportation/Traffic section of this document.

- **Noise issues:**

The project site is susceptible to noise emanating from vehicular traffic on Campo Seco Road and surrounding residential and agricultural land uses. Implementation Program 5.A.a of the Tuolumne County General Plan requires that the County review new public and private development proposals to determine conformance with the policies and programs of the Noise Element of the General Plan. For more information, please see the Noise section of this document.

- **The applicant should dedicate Open Space to protect the stream corridors and historic sites:**

A total of 21.5± acres of O (Open Space) zoning is proposed as mitigation for potential project impacts to four unnamed intermittent stream, oak woodland and cultural resources on the site. The proposed Open Space zoning is 23% of the project site. Riparian vegetation, valley oak trees, blue oak trees and elderberries are included inside the O zoning.

Vesting Tentative Parcel Map T18-046 is proposed to be conditioned to include a requirement that each sale of a parcel created pursuant to these maps will be accompanied by a map or diagram illustrating the location of all areas zoned O (Open Space) on said parcel in order to insure that each property owner is aware of the exact location of the open space, so that the open space can be preserved.

- **The design of Lot 1 presents a significant health and safety issue since it would create a need for a driveway on Martin Lane, too close to other driveways:**
The project applicant is proposing that all parcels created by Tentative Parcel Map T18-046 be accessed by driveways from Campo Seco Road. A County encroachment permit is required for access onto Camp Seco Road, to ensure the placement of each driveway meets County standards and has a safe sight distance.
- **The project description is inadequate and has cumulative impacts, because the project also includes two adjacent parcels, APNs 59-010-54 and 59-010-57, consisting of 112.85 and 104.4 acres, being converted from high value agricultural land to residential uses:**
The project site consists of Assessor's Parcel Number 59-010-56, which is 90.3± acres in size. The two other APN numbers listed above currently belong to owners not related to the owner of the project site. No application has been received for development of other than the 90.3± acre project site.
- **This application requires the preparation of a full Environmental Impact Report:**
Section 21002.1(a) of the *State Public Resources Code* states that *the purpose of an Environmental Impact Report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.* The California Environmental Quality Act (CEQA) defines a significant environmental impact as that in which adverse environmental consequences have the potential to be significant according to the threshold criteria identified for the resource, even after mitigation strategies are applied and/or an adverse effect that could be significant and for which no mitigation has been identified. If any potentially significant impacts are identified, an Environmental Impact Report (EIR) must be prepared in accordance with the *California Environmental Quality Act (CEQA)*.

For a potentially significant adverse environmental impact related to a proposed project, the consequences of the impact can become less-than-significant by utilizing mitigation strategies that are incorporated into the project as a Condition of Approval.

Section 21064.5 of the *State Public Resources Code* states that a *"Mitigated Negative Declaration"* means a *Negative Declaration prepared for a project when the Initial Study has identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects to the environment would occur, and (2) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment.*

Section 21080(e) of the *State Public Resources Code* states that *substantial evidence includes fact, a reasonable assumption predicted upon fact, or expert opinion supported by fact. Substantial evidence does not include argument, speculation, unsubstantiated opinion, narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts to the environment.*

If potentially adverse environmental impacts can be mitigated to less-than-significant levels with mitigation, then a Mitigated Negative Declaration can be prepared that includes the preparation of an Initial Study document along with certain mitigation measures. Based upon the project proposal, potential impacts that were identified, existing regulations, and mitigation measures described, the Environmental Coordinator has recommended approval of a Mitigated Negative Declaration for this project. The Mitigated Negative Declaration being prepared for the proposed project includes an Initial Study and proposed mitigation measures.

Prior to development of the project site, the following entitlements may be required:

Future Entitlements	
Permit	Agency
Grading Permit	Engineering Division of the Department of Public Works
Road Encroachment Permit	Engineering Division of the Department of Public Works
Streambed Alteration Agreement	California Department of Fish and Wildlife
General Construction Activity Storm Water Permit	Regional Water Quality Control Board
Building Permits	Building Division of the Community Development Department
Public Water Connections	Tuolumne Utilities District
Septic systems and wells	Environmental Health Division of the Community Development Department

Mitigation Measures: None required.

Mitigation Monitoring: Not applicable.

XI. MINERAL RESOURCES:

Issues and Supporting Information Sources	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporation	Less-than-Significant Impact	No Impact
Would the Proposed Project/Action:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

Tuolumne County was formerly a California gold rush area. The County was placer-mined during the gold rush; lode mining began in early 1850s. The Mineral Land Classification of a Portion of Tuolumne County Study found that the premier producer in the East belt of Tuolumne County, was developed along a vein system that strikes northerly and generally dips very steeply east. Other features include the presence of dikes, vein thicknesses that generally average less than two feet, and mineralization that consists of both free gold and gold-bearing sulfides.

The California Surface Mining and Reclamation Act of 1975 (SMARA) requires the State Geologist to classify land into Mineral Resource Zones (MRZs) according to the known or inferred mineral resource potential of that land as determined from its economic geology. The primary goal of mineral and land classification is to ensure that the mineral resource potential of land is recognized by local government when making decisions on land use. Identified in the Mineral Land Classification of a Portion of Tuolumne County, California for Precious Metals, Carbonate Rock and Concrete Grade Aggregate 1997 Map, the project site does not fall within an MRZ-2b zone.

A former underground Au-Ag (gold and silver) mine complex is located about 1 mile west of Jamestown, extending about 5 miles along the NW-SE-trending Mother Lode Belt. It was discovered in 1850. The mine was owned by the Sonora Mining Corp and is more commonly known as the Jamestown Mine. One notable feature is the Harvard Pit, a water retention basin which has an approximate depth of 600 feet and potential heavy metal contamination. The mining operation ceased in mid-1994 when gold prices fell temporarily, Reclamation is ongoing and is expected to continue into the near future.

Analysis:

Policy 4.E.1 of the Tuolumne County General Plan directs the County to protect lands classified as significant Mineral Resource Zone-2 (MRZ-2) by the State Department of Conservation Division of Mines and Geology, and meeting the criteria established in the General Plan for the Mineral Preserve Zone overlay (MPZ), from conflicts, such as incompatible development on surrounding land, which might prevent future mining activities. The State of California Division of Mines and Geology surveyed Tuolumne County for the presence of economically important mineral resources. The *Mineral Land Classification of a Portion of Tuolumne County, California for Precious Metals, Carbonate Rock and Concrete-Grade Aggregate (1997)*, DMG Open File Report 97-09, indicates that the subject property and surrounding lands do not contain economically important mineral resources.

For precious metals, the project site is located in the Pocket Belt-East Belt Area and is classified as MRZ-3b. MRZ-3b is defined as areas containing inferred mineral occurrences of undetermined mineral resource significance. Land classified MRZ-3b represents areas in geologic settings that appear to be favorable environments for the occurrence of specific mineral deposits. Further exploration could result in the reclassification of all or part of these areas as MRZ-3a or specific localities as MRZ-2a or MRZ-2b. For carbonate rock, the project site is located in the Southwestern County Area and is classified as MRZ-1. The project site is not classified for concrete-grade aggregate.

The project would not result in the loss of a known mineral resource; therefore, the project would not have a significant impact on mineral resources.

Mitigation Measures: None required.

Mitigation Monitoring: Not applicable.

XII. NOISE:

Issues and Supporting Information Sources	<i>Potentially Significant Impact</i>	<i>Less-than-Significant With Mitigation Incorporation</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>
Would the Proposed Project/Action:				
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) If located within the Tuolumne County Airport Land Use Compatibility Plan, expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) If located within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

Noise is commonly defined as undesirable or unwanted sound. Noises vary widely in their scope, source, and volume, ranging from individual occurrences such as leaf blowers, to the intermittent disturbances of overhead aircraft, to the fairly constant noise generated by traffic on freeways. Three aspects of community noise are used in assessing the noise environment:

Level (e.g., magnitude or loudness): Sound levels are measured and expressed in decibels (dB) with 10 dB roughly equal to the threshold of hearing. Transient noise events may be described by their maximum A-weighted noise level (dBA).

Frequency composition or spectrum: Frequency is a measure of the pressure fluctuations per second, measured in units of hertz (Hz). The characterization of sound level magnitude with respect to frequency is the sound spectrum, often described in octave bands, which divide the audible human frequency range (e.g., from 20 to 20,000 Hz) into 10 segments.

Variation in sound level with time, measured as noise exposure: Most community noise is produced by many distant noise sources that change gradually throughout the day and produce a relatively steady background noise having no identifiable source. Identifiable events of brief duration, such as aircraft flyovers, cause the community noise level to vary from instant to instant. A single number called the equivalent sound level, or Leq, describes the average noise exposure level over a period. Hourly Leq values are called Hourly Noise Levels.

Discretionary projects are evaluated utilizing Chapter 5 of the Tuolumne County General Plan relating to Noise. The following definitions are from the Glossary of the Tuolumne County General Plan and are used in the Noise Element of the General Plan:

- CNEL: Community Noise Equivalent Level means a 24-hour energy equivalent level derived from a variety of single-noise events, with weighting factors of approximately 4.8 and 10 decibels applied to the evening (7:00 PM to 10:00 PM) and nighttime (10:00 PM to 7:00 AM) periods, respectively, to allow or the greater sensitivity to noise during these hours.
- Ldn: the day/night average sound level. The Ldn is the average equivalent sound level during a 24-hour day, obtained after addition of ten (10) decibels to sound levels in the night after 10:00 p.m. and before 7:00 a.m.
- dBA: is the "A-weighted" scale for measuring sound in decibels. It weighs or reduces the effects of low and high frequencies in order to simulate human hearing. Every increase of 10 dBA doubles the perceived loudness though the noise is actually ten times more intense.
- A-Weighted Sound Level: All sound levels referred to in this document are in A-weighted decibels. A weighting de-emphasizes the very low and very high frequencies of sound in a manner similar to the human ear. Most community noise standards utilize A weighting, as it provides a high degree of correlation with human annoyance and health effects.

Decibel: means a unit used to express the relative intensity of a sound as it is heard by the human ear. The decibel scale expresses sound level relative to a reference sound pressure of 20 micronewtons per square meter, which is the threshold of human hearing. Sound levels in decibels (dB) are calculated on a logarithmic basis. An increase of 10 decibels represents a 10-fold increase in acoustic energy, and an increase of 20 decibels corresponds to a 100-fold increase in acoustic energy. An increase of 10 dB is usually perceived as a doubling of noise.

Equivalent Sound Level (Leq): The equivalent sound level is the sound level containing the same total energy as a time varying signal over a given sample period. Leq is typically computed over 1, 8 and 24-hour sample periods.

Leq is the energy equivalent level, defined as the average sound level on the basis of sound energy (or sound pressure squared). The Leq is a "dosage" type measure and is the basis for the descriptors used in current standards, such as the 24-hour CNEL used by the State of California. The hourly Leg is measure over a 1 hour sample period.

Lmax: is the highest sound level measured over a given period of time.

The major noise sources in the Jamestown area are related to vehicle traffic, commercial activities, and residential activities. According to common practice, maximum noise levels of 60 dB are considered "normally acceptable" for unshielded residential development. Noise levels from 60 dB to 70 dB fall within the "conditionally unacceptable" range, and those in the 70 to 75 dB range are considered "normally unacceptable".

Analysis:

Implementation Program 5.A.a of the General Plan requires that the County consider the effects of the development of new stationery noise sources or modification of existing stationary noise sources on noise-sensitive land uses, including urban residential development.

Goal 5.A.4 of the Tuolumne County General Plan directs the County to determine if new development or changes to existing development, which requires a discretionary entitlement, will create new or exacerbate existing noise levels which exceed the standards for surrounding land uses. The project site would generate temporary noise from the construction of new residences and associated structures.

The project site is susceptible to noise emanating from vehicular traffic on Campo Seco Road and Campbells Flat Road, in addition to nearby residential land uses. Temporary increases in noise levels associated with construction activities could have a short-term detrimental effect on the existing residents. To mitigate potential short-term noise impacts associated with the project, exterior construction associated with the project will be restricted to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. Exterior construction will be prohibited on Sundays and County holidays. The project will not have a long-term adverse impact because the sounds it generates will be residential in nature and blend in with the surrounding community.

The project is not located within the area encompassed by the Tuolumne County *Airport Land Use Compatibility Plan* or in the vicinity of an airport. The nearest airport is the Columbia Airport, located approximately 4 miles to the northwest of the project site. The Pine Mountain Lake Airport is located approximately 11 miles southeast of the project site. Additionally, there are no private airstrips located within the vicinity of the project site.

Mitigation Measures: The project will be conditioned to restrict the hours of exterior construction from 7:00 a.m. to 7:00 p.m., Monday through Saturday. Exterior construction will be prohibited on Sunday and County Holidays.

Mitigation Monitoring: This condition will be monitored through citizen complaints. Confirmed violations will be referred to the Code Compliance Officer for processing consistent with established code compliance procedures outlined in Chapter 1.10 of the Ordinance Code. A Notice of Action will be recorded to advise future owners of the required mitigation measure and the responsibility to comply with said measure.

XIII. POPULATION AND HOUSING:

Issues and Supporting Information Sources	Potentially Significant Impact	Less-than-Significant With Mitigation Incorporation	Less-than-Significant Impact	No Impact
Would the Proposed Project/Action:				

- | | | | | | |
|----|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) | Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Displace substantial numbers of people necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental Setting:

Tuolumne County is growing at a steady rate of approximately 1% per year; however, population projections show that the rate of population growth is declining. In 2013, Tuolumne County had a population of 53,874. This represents a drop of 2.7% from 2010 population estimates of 55,365. According to the Housing Element in the Tuolumne County General Plan, the majority of the County’s population is white, in their mid-40’s, in a service-related profession, married without children and has a median household income of \$58,300.

The population of Jamestown in 2010 was just under 3,500, and there were approximately 1,500 housing units in 2010. There was a population increase of approximately 14 percent between 2000 and 2010. Single family homes are the predominant housing type in Jamestown, and the median household income is approximately \$35,000 a year. The average home cost in Jamestown was approximately \$184,000 in 2015.

Analysis:

The project site consists of Assessor’s Parcel Number 59-010-56, which is 90.3± acres in size. For the complete project description, please see the Project Description at the beginning of this document.

Pursuant to Section 17.12.020 of the Tuolumne County Ordinance Code (TCOC), one primary single-family dwelling is allowed per parcel in the proposed A-10 zoning district, plus one guesthouse or one detached single-family dwelling, when the parcel is ten acres or larger or the parcel. A conditional use permit may be obtained to allow additional dwellings with a one dwelling per ten acres density. Approval of the project would allow a maximum of sixteen (16) dwelling units as a permitted use on the eight (8) proposed parcels. None of the permitted secondary residences are considered accessory dwelling units (ADUs). One residence currently exists on the site.

Chapter 17.65 of the Tuolumne County Ordinance Code applies to discretionary land use entitlements proposing residential development of five or more units, including tentative maps, conditional use permits, site development permits, site review permits, and planned unit development permits for which the property owner has requested incentives. The property owners have not requested any incentives for Vesting Tentative Subdivision Map T18-046; therefore, no inclusionary units are required.

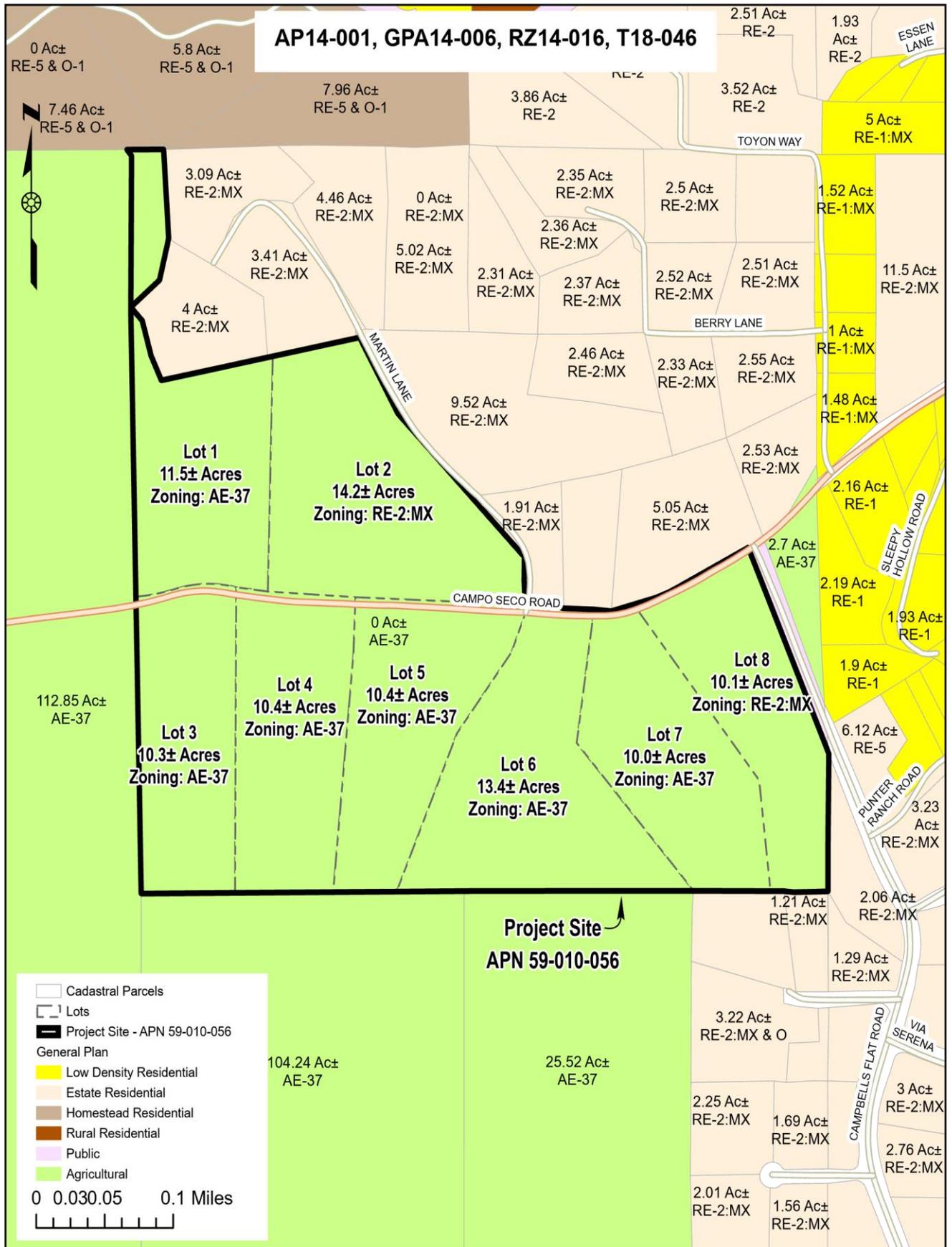
Construction of the new residences would not displace any existing persons residing on the project site or require the construction of replacement housing elsewhere. The proposed number of parcels would not induce substantial growth in this area of Tuolumne County.

Mitigation Measures: None required.

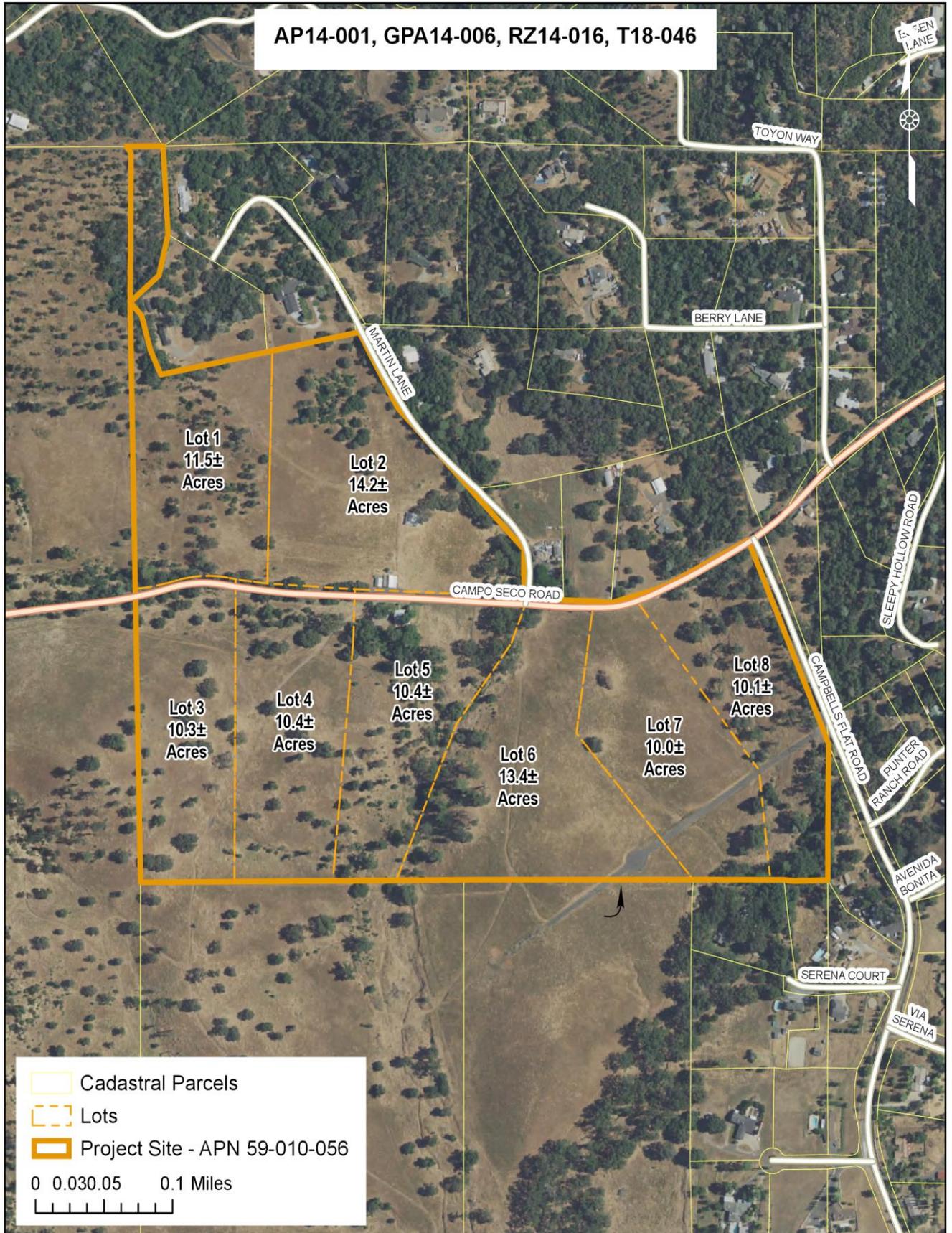
Mitigation Monitoring: Not applicable.

Legend:

<u>Zoning Districts</u>		<u>General Plan Designations</u>	
RE-1	- Residential Estate, One Acre Minimum	LDR	- Low Density Residential
RE-2	- Residential Estate, Two Acre Minimum	AG	- Agricultural
RE-3	- Residential Estate, Three Acre Minimum	ER	- Estate Residential
RE-5	- Residential Estate, Five Acre Minimum	HR	- Homestead Residential
AE-37	- Exclusive Agricultural, Thirty-Seven Acre Minimum	RR	- Rural Residential
O-1	- Open Space-1	P	- Public
P	- Public		
:MX	- Mobilehome Exclusion Combining		



AP14-001, GPA14-006, RZ14-016, T18-046



XIV. PUBLIC SERVICES:

Issues and Supporting Information Sources	<i>Potentially Significant Impact</i>	<i>Less-than- Significant With Mitigation Incorporation</i>	<i>Less-than- Significant Impact</i>	<i>No Impact</i>
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Would the Proposed Project/Action:

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

Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other Public Facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

Police Services

Law enforcement services in the Jamestown area are provided by the Tuolumne County Sherriff’s office. The nearest Sherriff station to the project site is located at 28 Lower Sunset Drive in Sonora, which is approximately 3 road miles away. Response times for the entire county averages between 5 minutes to 35 minutes depending on day of the week and time and the location of the incident. An average of six deputies patrols the county at any given time.

Fire Services

Fire protection services to the site are provided by Jamestown Fire Protection District (JFPD), in cooperation with the California Department of Forestry and Fire Protection (CalFire). The nearest station is located at 18249 4th Ave in Jamestown, approximately 2 miles away. Average response time to the project site from Jamestown Fire Department is approximately 4 minutes. CalFire is a full-service fire department providing emergency services to all unincorporated areas of Tuolumne County through a network of fire stations, personnel and equipment. The nearest CalFire station is located at 18464 Striker Court, approximately 9 miles northeast of the project site.

Schools

The nearest public school is Jamestown Elementary School, approximately 0.5 miles south of the project site on the east side of 5th Ave in Jamestown. Enrollment at this school is approximately 342 students in grades Kindergarten through 8th grade.

Parks

There is a community baseball field, Patterson Field, located in Jamestown northwest of the project site. Facilities include playing fields, dugouts, and restrooms. A community park, named Rocca Park, in within the

heart of Jamestown. Railtown 1897 State Historic Park is located in Jamestown and is a unit of the California State Park system and is located west of the project site. Parks are also located within the Sonora area, approximately 3 miles to the northeast of the project site. Yosemite National Park is located approximately 70 miles to the southeast of the project site.

Analysis:

The Fire and Resource Assessment Program (FRAP) *Map of Fire Hazard Severity Zones in State Responsibility Areas* indicates the project site as being located within a high fire hazard area. This rating is based on factors of slope, vegetation and annual summer weather patterns. These zones, referred to as Fire Hazard Severity Zones (FHSZ), provide the basis for application of various mitigation strategies to reduce risks to buildings associated with wildland fires. The zones also relate to the requirements for building codes designed to reduce the ignition potential to buildings in the wildland-urban interface zone.

The project has been reviewed by the Tuolumne County Fire Prevention Division (FPD) for consistency with the National Fire Code, California Fire Code, California Building Code, the Tuolumne County General Plan and Ordinance Code.

Because the project will allow development in an area with a high fire hazard, approval of the proposed project could create a significant adverse impact on the Tuolumne County Fire Department's ability to provide service. To reduce this impact to an acceptable level, conditions will be attached to Vesting Tentative Subdivision Map T14-046 including requirements for fuel reduction, defensible space building setbacks, road construction standards, driveway construction standards, residential gates, fire and life safety requirements, road signage and residential identification found in Titles 11, 12, 15 and 16 of the Ordinance Code, the California Building Code, and the California Fire Code. Application and enforcement of the above mentioned code requirements will reduce any impacts related to fire hazard and fire protection to the level of less-than-significant.

Law enforcement services are provided to the unincorporated areas of Tuolumne County by the Tuolumne County Sheriff's Department. The project was referred to the Sheriff's Department for review, but no comments were received.

The project site is located within the boundaries of the Jamestown Elementary School District and the Sonora Union High School District. Both school districts have been advised of the proposed project. Neither of the school districts responded to the project notices. Pursuant to State law, school districts can require fees for new construction to mitigate impacts to the school system. The fees are collected at the County Schools Office prior to issuance of a Building Permit. Therefore, there will be no impacts to schools.

The creation of eight lots as proposed by Vesting Tentative Subdivision Map T14-046 will not overburden the existing recreational facilities. Therefore, there will be no impacts to recreational facilities. For additional discussion of recreation, please refer to the "Recreation" section of this document.

The current fire and police services provide sufficient personnel and equipment to serve the project site. No new law enforcement facilities would need to be constructed as a result of the project; therefore, the project will have a less than significant impact on fire and police services.

Mitigation Measures: None required.

Mitigation Monitoring: Not applicable.

XV. RECREATION:

Issues and Supporting Information Sources	Potentially Significant Impact	Less-than- Significant With Mitigation Incorporation	Less-than- Significant Impact	No Impact
Would the Proposed Project/Action:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting:

Tuolumne County has a variety of recreational opportunities for the public, including Yosemite National Park, Stanislaus National Forest, State parks, and other government agencies such as the U.S. Bureau of Reclamation and the Bureau of Land Management. Community based recreation and park districts include the Tuolumne County Recreation Department and the City of Sonora Recreation Department.

There is a Jamestown community baseball field, Patterson Field, located northwest of the project site. Facilities include playing fields, dugouts, and restrooms. Railtown 1897 State Historic Park is located in Jamestown and is a unit of the California State Park system, located west of the project site. Within the heart of Jamestown there is a community park, named Rocca Park. Parks are also located within the Sonora area, approximately 3 miles to the northeast of the project site. Other nearby areas include camping sites, hiking trails, fishing, and a golf course called Teleli (formerly called Mountain Springs).

Analysis:

There are existing park and recreation facilities at Standard Park which is located approximately 9.0± vehicle miles northeast of the project site on Tuolumne Road. Standard Park contains ball fields and picnic areas. There is a swimming pool and parks with play equipment, basketball courts, horseshoe pits and picnic areas in the community of Tuolumne, approximately 11.0± vehicle miles to the east of the project site. Additional facilities are located in downtown Sonora approximately 3.0± vehicle miles from the project site. The City of Sonora has the Dragoon Gulch walking trail and several parks containing play equipment and picnic areas. The creation of eight parcels as proposed by Vesting Tentative Subdivision Map T18-046 will not overburden the existing facilities.

Implementation Program 8.D.b. of the Tuolumne County General Plan requires certain new residential development of five units or more to participate in the provision of recreational facilities for their residents. For residential subdivisions, the subdivider may propose to provide recreational facilities on site, pay an in-lieu recreation fee or dedicate land for public recreational facilities, or a combination of any or all of the three options for consideration by the Board of Supervisors.

Section 16.26.120 of the Tuolumne County Ordinance Code states the following:

The Board of Supervisors will require either the dedication of land or the payment of fees in lieu of such dedication, or a combination of any of the above, for the purpose of providing park and recreational facilities to serve future residents of the subdivision.

Section 16.26.120 of the Ordinance Code states that the total area required to be dedicated for recreational facilities will be computed by multiplying the number of dwelling units to be included in the development by .01 acre, up to the limits set forth in Section 66477 of the Subdivision Map Act. The proposed 8 lots would have a potential of 16 dwelling units, which are not considered accessory dwelling units (ADUs). The developer will be required to dedicate 0.16 acre of land for recreational purposes. Section 16.26.120 also establishes the in-lieu recreation fee using the formula:

Number of units x .01 x average assessed market price per acre based upon the tentative map and the appraisal by the County.

The developer is not proposing any recreational facilities on the project site and, therefore, has the option to pay an in-lieu recreation fee.

Section 16.26.120(F) of the Ordinance Code states that all park and recreation fees collected pursuant to this title will be placed in a special fund independent of the general fund and expended only for park and recreation acquisition and development. It is further stated that any fees collected under this section will be committed within five years after the payment of such fees or the issuance of building permits on one-half the lots created by a subdivision, whichever occurs first.

Mitigation Measures: None required.

Mitigation Monitoring: Not applicable.

XVI. TRANSPORTATION/TRAFFIC:

Issues and Supporting Information Sources	<i>Potentially Significant Impact</i>	<i>Less-than-Significant With Mitigation Incorporation</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>
Would the Proposed Project/Action:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the jurisdictional congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Setting:

The community of Jamestown is served by one major highway, State Route 108/49, an east/west route. State Route 108/49 in Tuolumne County is a two to four-lane conventional highway. Other roads serving the community include Jamestown Road, Camp Seco Road, and Seco Street, which serve as main routes for local circulation within the Jamestown area, and provide access to the recreational points and other points of interest within the area.

Public transit is provided by Tuolumne County Transit. There is one route overall serving Jamestown. Services are available in the mornings, afternoons, and evenings and are available five days a week. The nearest transit stop to the project site is located at the intersection of 5th Avenue and Willow Street. Tuolumne County also has a “dial-a-ride” program available on demand for the route serving Jamestown.

Analysis:

Access to the project site is currently provided by two driveway easements off Campo Seco Road (south to the residence and north to the garage and barn). Another access is provided by a common driveway off of Campbells Flat Road, which continues onto the property to the south.

Campo Seco Road is a two-lane County maintained road which is classified as a minor collector road. Minor collectors generally serve lower density areas and, therefore, do not have the traffic volume that major collectors do. Minor collector roads often serve to funnel traffic from groups of local roads onto the major collectors and arterial routes. Minor collectors should be spaced to bring all developing areas of the County within reasonable distance of major collectors or arterial routes.

The estimated project total traffic generation is 10 vehicle trips per day (VTPD) multiplied by the number of single-family residences. The project consists of 8 lots with a maximum of one single-family dwelling and one secondary single-family dwelling per lot. There is one existing single-family residence on the project site. A total of 16 residences could be constructed on the site, which are not considered to be accessory dwelling units (ADUs). VTPD are calculated as follows:

$$16 \text{ Single-family residences} \times 10 \text{ VTPD} = 160 \text{ VTPD}$$

A total of 160 vehicle trips per day are estimated to be generated by full build out of Vesting Subdivision Map T18-046. Due to the low traffic volumes anticipated to be generated by the proposed project, a traffic impact analysis was not required. The Engineering Division of the Department of Public Works reviewed the proposed project and states that the developer will be required to comply with applicable existing regulations for the development of access to the proposed parcels.

Access to the proposed subdivision will be from Campo Seco Road. Lots 6, 7 and 8 could also utilize the existing gravel common driveway with access from Campbells Flat Road. Section 16.26.140 of the Ordinance Code requires that roads or driveways serving lots within subdivisions will be constructed in accordance with the standards set forth in Title 11 of the Ordinance Code.

The project site is approximately one mile from the nearest State Highway which is State Highway 49/108; however, there is no access onto the highway from Campo Seco Road. Caltrans District 10 staff were advised of this project but did not respond.

Tuolumne County presently collects Traffic Impact Mitigation Fees from new development to mitigate cumulative impacts to the County's circulation system. The Tuolumne County Board of Supervisors has determined that projects of this type contribute cumulatively to the significant adverse impacts on the County's circulation system. To mitigate this impact, the project proponent or subsequent developer will pay an appropriate Traffic Impact Mitigation Fee (TIMF) during the construction process of new development resulting from approval of this project.

The Engineering Division of the Department of Public Works has reviewed the proposed project and advises that a Road and Utility Easement must be dedicated 32-feet from the existing centerline right-of-way along Campo Seco Road pursuant to Section 16.26.150 of the Tuolumne County Ordinance Code.

Mitigation Measures: The applicable Traffic Impact Mitigation Fee will be paid to Tuolumne County prior to issuance of a Blue Tag or prior to close of escrow if an escrow account has been established prior to issuance of a Building Permit for any residence on any lot created by Vesting Tentative Subdivision Map T18-0046.

Mitigation Monitoring: This Mitigation Measure shall be implemented prior to issuance of a Building Permit and will be monitored by the Building and Safety Division of the Community Development Department.

XVII. TRIBAL CULTURAL RESOURCES:

Issues and Supporting Information Sources	<i>Potentially Significant Impact</i>	<i>Less-than-Significant with Mitigation Incorporation</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>
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Would the Proposed Project/Action:

Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or pursuant to Section 15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Environmental Setting

In September of 2014, the California Legislature passed Assembly Bill (AB) 52, which added provisions to the Public Resources Code (PRC) regarding the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. In particular, AB 52 now requires lead agencies to analyze project impacts to “tribal cultural resources” separately from archaeological resources (PRC §21074; 21083.09). The Bill defines “tribal cultural resources” in a new section of the PRC §21074. AB 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC §21080.3.1, 21080.3.2, 21082.3).

To date, two tribal entities have contacted the Tuolumne County Community Development Department to request formal consultation under the AB 52 process. The tribes requesting consultation are the Chicken Ranch Rancheria and the Tuolumne Band of Me-Wuk Indians. On July 30, 2015 (initial project application), on August 1, 2017 (project revisions), and again on March 26, 2019 (project revisions) project notification letters were sent to all local tribal contacts, including a complete project description and a project map, as a courtesy notification, not in direct response to AB 52. The courtesy notifications were sent out prior to receipt of the official AB 52 notification requests from the tribes. No requests for consultation or comments from tribal entities were received for the current project.

Analysis:

A cultural resource study was conducted on the property by Patrick GIS Group, Inc. in August 2017. The project site was studied for both archaeological and architectural resources. The field survey revealed identified eleven (11) archeological resources, two isolated finds and one unrecorded segment of a previously recorded resource. Two sites are prehistoric sites, nine are historic era sites and one is a multi-component site. Both isolated finds are prehistoric and consist of milling stone fragments. The prehistoric resources are tribal cultural resources.

Of the total resources on the project site, six have been recommended as potentially eligible for the California Register of Historic Resources (CRHR). Two of the resources are prehistoric sites which may be related to local tribes. The final results of the studies will be filed with the Central California Information Center of the California Historical Resources Information Center at California State University, Stanislaus. The report will be available to qualified professionals upon request.

Per the provisions of the California Environmental Quality Act, potential effects on cultural resources should be avoided through the use of Open Space, capping or covering or deeding the site into a permanent conservation easement. The use of Open Space zoning is recommended with a 100-foot buffer around each potentially eligible resource. Construction personnel should be trained by a qualified archeologist of the types of cultural resources they may encounter and the laws protecting those resources. For more information concerning the placement of the cultural resources within Open Space zoning, please see the Cultural Resources section of this document.

Three local Native American tribes were contacted by mail advising them of this project. The three local tribes are the Tuolumne Band of Me-Wuk Indians, the Chicken Rancheria Indians and the Buena Vista Rancheria. No comments were received from these tribes concerning this project.

The possibility of subsurface cultural resources still exists. Should an inadvertent discovery of cultural materials is made during project related ground disturbing activities, ground disturbances in the area of the find must be halted and a qualified professional archaeologist must be notified regarding the discovery. The archaeologist shall determine whether the resource is potentially significant and develop appropriate mitigation pursuant to Section 14.10.150 of the Ordinance Code.

Mitigation Measure: A condition will be imposed on the project to require that if, during the excavation or construction process, subsurface cultural resources are discovered on the project site, all work shall stop immediately until a qualified archaeologist, approved by the Community Development Department, evaluates said resources and establishes boundaries around archaeologically or historically sensitive areas. If the site is determined to be significant, appropriate mitigation measures shall be formulated and implemented in accordance with Section 15064.5 of the *State CEQA Guidelines*.

Mitigation Monitoring: A Notice of Action will be recorded to advise future owners of the required mitigation measure and the responsibility to comply with said measure.

XVIII. UTILITIES AND SERVICE SYSTEMS:

Issues and Supporting Information Sources	<i>Potentially Significant Impact</i>	<i>Less-than-Significant With Mitigation Incorporation</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>
Would the Proposed Project/Action:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be serviced by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Setting:

Pacific Gas and Electric provides electric service to the project site. Cal Sierra Disposal Waste Management is responsible for garbage collection in the community of Jamestown. The project site is located within the jurisdiction of the Central Valley Regional Water Quality Control Board (CVRWQCB). The Tuolumne Utilities District is responsible for water service in the community of Jamestown.

TUD has a contract with PG&E which provides for perpetual water supply for TUD from the South Fork Stanislaus River. This water is stored in Pinecrest Lake, Lyons Reservoir, Phoenix Lake and other small reservoirs on the TUD ditch system. PG&E owns Lyons Reservoir and the 15.7-mile Main Canal that leads to its Phoenix powerhouse. From the Main Canal, TUD's water splits into three branches – one serves Twain Harte, Soulsbyville and Tuolumne; and another feeds TUD's network of ditches, pipelines and treatment plants that serve Crystal Falls, Big Hill and Columbia. The remainder goes into Phoenix Reservoir to serve Phoenix Lake, East Sonora, Sonora and Jamestown.

The majority of TUD customers reside in or near the community of Sonora which is at about elevation 1,850 feet. TUD also serves customers in several communities to the east up to about elevation 6,000 feet in the Sierras and west of Jamestown at an elevation of less than 1,500 feet. The TUD water system has over 14,000 water connections to homes and businesses throughout the county. TUD also delivered 1.1 billion gallons of treated drinking water in 2015 and operates over 80 treated water storage tanks.

Analysis:

Since this project proposes lots ranging in size from 10.0± to 14.3± acres, the project is not required to be connected to public water or public sewer systems; however, the applicant has proposed that each lot will be served with public water and a private on-site sewage treatment and disposal system. Individual wells could still be utilized for agricultural purposes. There are no public sewer systems in the project vicinity that could serve the project. Similar developed parcels in the area of the project site utilize private wells and septic tank/leach field systems. Future on-site agricultural wells and sewage disposal systems will require a permit from Tuolumne County Environmental Health Division and must be constructed to the standards contained in the County Ordinance Code.

Public sewer is not currently available in the Campo Seco Road area. Pursuant to Section 13.04.030(A) of the Tuolumne County Ordinance Code, no lot or parcel of a gross area of ten acres or less, will be created or approved on or after January 2, 1975, without complying with Chapter 13.04 of the Ordinance Code. The proposed parcels range from 10.0± to 14.2± acres, therefore, the lots already comply with Chapter 13.04 because they exceed 10 acres in size. Therefore, the project has been approved by the Environmental Health Division for compliance with Chapter 13.04 of the Ordinance Code. Due to the project utilizing on-site sewage disposal and treatment systems, there will be no impact to regional wastewater treatment plants or require the construction or expansion of wastewater treatment plants.

Section 13.08.050 of the Tuolumne County Ordinance Code requires that a permit be secured from the Tuolumne County Environmental Health Division prior to construction of an on-site sewage treatment and disposal system within the unincorporated area of Tuolumne County. The Environmental Health Division further notes that while requirements for the submittal of data prior to the approval of a tentative subdivision map to substantiate the ability of a project site to meet future sewage disposal needs are waived for parcels ten (10) gross acres or larger pursuant to Tuolumne County Ordinance Code Section 13.04.030(A), the section does not relieve the developer from meeting sewage disposal requirements of Chapter 13.08.

Section 13.16.040 of the Ordinance Code requires that a permit be secured from the Tuolumne County Environmental Health Division prior to construction of a well. The permitting process will ensure that proper construction and location requirements are followed for well installation. The project is proposing to utilize public water to serve the residences. The Tuolumne Utilities District have stated that they have the capacity to serve the project site with the payment of connection fees; therefore, there will be no impacts to existing water supplies or cause the expansion of existing facilities.

Pacific Gas and Electric Company (PG&E) will supply electricity to the project site. PG&E was notified in writing of the project but offered no written comments. Electrical distribution lines are located along Campo Seco Road adjacent to the project site.

Pursuant to Section 8.05.025(E) of the Tuolumne County Ordinance Code, if the subdivision clusters refuse pickup areas for five or more dwellings, then a recycling area must be established. Since no such clustering of refuse collection is proposed for this project, recycling will be the responsibility of the individual homeowners.

Solid waste generated by the project will be hauled to the Cal Sierra Transfer Station located at 19309 Industrial Drive in East Sonora. Tuolumne County currently disposes of up to 240 tons of solid waste per day, with an average of approximately 92 tons per day. All of the solid waste collected in the County is processed at the Cal Sierra Transfer Station, which is operated by Waste Management, Inc. through a contract with the County. At the transfer station, waste is inspected to remove hazardous materials. Waste received at the transfer station is loaded into transfer trailers and trucked to the Highway 59 Landfill in Merced County. Between one and seven transfer trailers haul waste to the landfill each day. Each truck hauls approximately 20 tons of waste per trip. Tuolumne County has contracted with the Merced County Regional Waste Management Authority to secure disposal capacity at the Highway 59 Landfill. To date, there is sufficient capacity in this landfill to support the transportation of waste from the project site.

Cal Sierra Disposal operates a buy-back center at 14959 Camage Avenue, in East Sonora. Untreated wood and yard waste are presently accepted by Cal Sierra Disposal at its Earth Resources Facility located at 14909 Camage Avenue. Such material is accepted for a fee and is ground up or chipped and sold as compost or any other uses deemed appropriate for such material. The solid waste infrastructure of the County is adequate to accommodate the project as proposed. Therefore, the project will have no impact on the existing landfill or require an expansion of the landfill.

Mitigation Measures: Parcels created by Vesting Tentative Parcel Map T18-046 shall be provided public water for domestic purposes by the Tuolumne Utilities District.

Mitigation Monitoring: This measure shall be implemented prior to a Final Map.

XIX. MANDATORY FINDINGS OF SIGNIFICANCE:

Supporting Information Sources	<i>Potentially Significant Impact</i>	<i>Less-than-Significant With Mitigation Incorporation</i>	<i>Less-than-Significant Impact</i>	<i>No Impact</i>
Proposed Project/Action:				
Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Have impacts that are individually limited, but cumulative considerable? (“Cumulative considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Analysis:

Based upon the analysis contained herein, approval of the project would not result in a significant impact on the environment. Although the project, as originally proposed, had the potential to have a significant effect on the environment, the project has been modified by incorporating measures to mitigate potential impacts.

Mitigation Measures: See the above sections of this document.

Mitigation Monitoring: See the above sections of this document.

DETERMINATION: Approval of the proposed project would not result in significant adverse impacts on either the natural or cultural environment provided the mitigation measures discussed herein are properly implemented and maintained.

AGENCIES

CONTACTED:

AGENCIES CONTACTED:

Tuolumne County:

Agricultural Commissioner
Air Pollution Control District
Community Development Department, Building and Safety Division
Community Development Department, Environmental Health Division
Department of Public Works, Engineering Division
Department of Public Works, Solid Waste Division
Department of Public Works, County Surveyor
Farm Advisor
Fire Department, Fire Prevention Division
Recreation Department
Sheriff's Department
Superintendent of Schools
Tuolumne County Transportation Council

State of California:

Department of Fish and Wildlife
Department of Transportation, Caltrans District 10

Other:

AT&T
Audubon Society
Central Sierra Environmental Resource Center
Chicken Ranch Rancheria of Me-Wuk
Citizens for Responsible Growth
Comcast Cable Communications
Pacific Gas & Electric Company
Sierra Club, Tuolumne Group
Jamestown School District
Sonora Union High School District
Tuolumne County Association of Realtors
Tuolumne County Farm Bureau
Tuolumne Heritage Committee
Tuolumne County Historical Society

Tuolumne County Trails Council
Tuolumne Me-Wuk Tribal Council
Tuolumne Utilities District
United States Fish and Wildlife Service
U.S. Army Corp of Engineers

SOURCES REVIEWED:

Tuolumne County:

2018 General Plan
EIR for the 2018 General Plan Update
Zoning Ordinance (Title 17)
Land Divisions Ordinance (Title 16)
Road Standards (Title 11)
Connecting Roadways (Chapter 12.04)
Grading Ordinance (Chapter 12.20)
Water and Sewers (Title 13)
Construction Codes (Chapter 15.04)
Fire Code (Chapter 15.08)
Fire Safety Standards (Chapter 15.20)
Traffic Impact Mitigation Fees (Chapter 3.54)
County Service Impact Mitigation Fees (Chapter 3.50)
Rubbish, Refuse and Recyclables (8.05)
Geotechnical Interpretive Maps
General Plan Maps
Wildlife Habitat Maps
Tuolumne County Wildlife Handbook
Wildlife Aerial Photography
Fire Hazard Maps
Deer Herd Maps
Regional Transportation Plan
Historic/Archeological Index to Studies

State of California:

California Environmental Quality Act
Consulting Engineers and Land Surveyors of California: "2018 Planning and Zoning Law"
Natural Diversity Data Base Maps, Department of Fish & Wildlife
Census Bureau - Biannual Population Estimates, Department of Finance

Technical Studies:

Tuolumne County Regional Blueprint Greenhouse Gas Study, Rincon Consultants, Inc., San Luis Obispo, January 2012.

2017 Tuolumne County Annual Livestock and Crop Report, Agricultural Commissioner's Office, December 2017

Final Cultural Resources Study of the Martin Ranch Complex, Sonora, California, (APN 059-010-56), Patrick GIS Group, Inc., Manteca California, August 2017.

PREPARED BY: Renee Hendry, Environmental Analyst



OFFICE OF ENVIRONMENTAL COORDINATOR

QUINCY YALEY, AICP
Environmental Coordinator

NOTICE OF DETERMINATION

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: Agricultural Preserve Alteration AP14-001(1), General Plan Amendment GPA14-006(1), Zone Change RZ14-016(1) and Vesting Tentative Subdivision Map T18-046

PROJECT PROPONENTS: Frederick and Kathleen Kahl

PROJECT LOCATION: The project site is located at 11247 Campo Seco Road, west of the intersection of Campbells Flat Road and Campo Seco Road and southeast of the community of Jamestown. A portion of Sections 11 and 12, Township 1 North, Range 14 East, Mount Diablo Baseline and Meridian. Assessor's Parcel Number 59-010-056. Supervisor District 5.

- PROJECT DESCRIPTION:**
1. Resolution for Agricultural Preserve Alteration AP14-001(1) to remove a 90.3± acre parcel from Agricultural Preserve No. 138, which currently consists of 367.7± acres.
 2. Resolution for General Plan Amendment GPA14-006(1) to amend the General Plan land use designation of a 90.3± acre parcel from Agricultural (AG) to Large Lot Residential (LR).
 3. Ordinance for Zone Change RZ14-016(1) to rezone the project site from AE-37 (Exclusive Agricultural, Thirty-Seven Acre Minimum) under Title 17 of the Tuolumne County Ordinance Code as follows:

PROPOSED ZONING	ACREAGE
A-10 (General Agricultural, Ten Acre Minimum)	68.8±
O (Open Space)	21.5±

4. Vesting Tentative Subdivision Map T18-046 to divide the existing 90.3± acre parcel into 8 parcels as follows:

PARCEL NUMBER	PROPOSED ACREAGE
Lot 1	11.5±
Lot 2 [^]	14.2±
Lot 3	10.3±
Lot 4	10.4±
Lot 5*	10.4±
Lot 6	13.4±
Lot 7	10.0±
Lot 8	10.1±

[^] Existing Historic Barns and Garage Structure

* Existing Martin Ranch Residence

STATE CLEARINGHOUSE NUMBER:

The Board of Supervisors for the County of Tuolumne on **xxxxx, 2020**, has approved the project described above and has made the following determinations:

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were included as conditions of project approval.
4. A mitigation reporting or monitoring plan was adopted for this project.
5. A statement of Overriding Considerations was not adopted for this project.
6. Findings relative to significant environmental effects identified in an Environmental Impact Report were not made pursuant to Section 15091 of the State CEQA Guidelines.

The project documents may be examined at the Tuolumne County Community Resources Agency.

The staff contact person is: Renee Hendry

This is to certify that the final EIR with comments and responses and record of project approval, or the Mitigated Negative Declaration and all documents referenced in the Mitigated Negative Declaration for the proposal described above, is available to the General Public in the Community Resources Agency, Monday through Friday, 8:00 a.m. to 4:00 p.m., Fourth Floor, A. N. Francisco Building, 48 Yaney Avenue, Sonora, California.

Quincy Yaley, AICP
Environmental Coordinator

Date

QY:rh



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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(209) 533-5633
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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:

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81653559695>

Or iPhone one-tap :

US: +16699006833,,81653559695# or +13462487799,,81653559695#

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 +1 253 215 8782 or +1 312 626 6799 or +1 929
205 6099 or +1 301 715 8592

Webinar ID: 816 5355 9695

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
- 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.