

3 ENVIRONMENTAL IMPACT ANALYSIS

This chapter discusses the possible environmental effects of projected development within unincorporated areas of the County under the Tuolumne County General Plan Update. It also discusses some of the basic considerations used to inform the environmental impact analysis. This chapter is organized by environmental resource category; each resource section provides a discussion of the existing environmental conditions (including regulatory setting and environmental setting), potential environmental effects (including direct and indirect impacts), and measures to reduce significant effects, where feasible.

Sections 3.1 through 3.17 follow the same general format:

- ▲ The **“Environmental Setting”** section presents the existing environmental conditions, in accordance with State CEQA Guidelines Section 15125. This setting generally serves as the baseline against which environmental impacts are evaluated. The study area evaluated is generally the overall County; however, the extent of the environmental setting area evaluated differs among resources, depending on the locations where impacts would be expected. For example, air quality impacts are assessed for the air basin.
- ▲ The **“Regulatory Setting”** section presents the laws, regulations, plans, and policies that are relevant to each issue area. Regulations originating from the federal, state, and local levels are each discussed, as appropriate.
- ▲ The **“Impact Analysis”** section identifies the thresholds of significance used to determine the level of significance of the environmental impacts for each resource topic, in accordance with State CEQA Guidelines Sections 15126, 15126.2, and 15143. The thresholds of significance used in this Recirculated Draft EIR are based on the checklist presented in Appendix G of the State CEQA Guidelines; best available data; and regulatory standards of Tuolumne County, as well as federal and state agencies. The level of each impact is determined by comparing the effects of projected development under the General Plan Update to the environmental setting, with a focus on how land uses may be developed with implementation of General Plan Update policies and implementation programs.

The evaluation of environmental impacts focuses on the potential impacts of development within unincorporated areas of the County under the General Plan Update through year 2040. This is a 25-year horizon from the baseline year of 2015 (when the NOP was circulated and Draft EIR was initiated) and over 20 years from when approval of the General Plan Update is expected. This is a reasonably foreseeable forecast period.

As described in Chapter 2, “Project Description,” of this Draft EIR (particularly Section 2.4.2) population in the County and the City of Sonora is projected to grow from 54,337 (2015) to 63,243 (2040), an increase of 8,906 people countywide. This population projection includes the incorporated City of Sonora, which is not included in the scope of the County General Plan Update. In other words, future development within the City of Sonora is not part of the “project” analyzed in this Recirculated Draft EIR. Nonetheless, this Recirculated Draft EIR uses the projected population figure of 63,243 people by year 2040 in its analysis of potential impacts of future development within unincorporated areas of the County because the County has decided to be conservative in its approach to the analysis and mitigation of environmental impacts. To the extent that this Recirculated Draft EIR bases the analysis and proposed mitigation of particular impacts on the estimate of 63,243 people by year 2040, that analysis and mitigation is not intended to cover future development within the City of Sonora. Additionally, this projection by the Tuolumne County Transportation Council (TCTC) is used in this analysis to maintain consistency with previously released analyses, specifically the TCTC analysis that forms the basis of the analysis of potential effects related to traffic and associated (air quality, noise) impacts.

A growth from 54,337 people in 2015 to 63,243 people in 2040 is a 16-percent increase in total population of the County and the City of Sonora over a 25-year period, or an average increase of 0.6 percent per year. Population had increased from 48,456 to 54,337 over the prior 25-year period (1990–2015), a 12-percent increase (0.5 percent per year). The forecast is reasonable, based on other modeling, and reflects a conservative (in terms of estimating environmental impacts) level of growth. This is particularly the case given that the County's population has experienced a decrease over the last decade-plus and the California Department of Finance forecasts virtually no growth in the County over the 25-year forecast period.

While overall population growth is forecasted in the General Plan Update in the County, some of that growth is expected to occur in the incorporated City of Sonora, which is covered by its own general plan. Of the County's 2015 population of 54,337, 4,879 or these people (9 percent of the total) resided in Sonora. It is expected that countywide growth over the General Plan Update horizon will follow this same relative share of population (91 percent of population in unincorporated areas, 9 percent in Sonora). The annual rate of growth, 0.6 percent, is expected to apply to the County (and the City) and is one of the assumptions underlying the analysis in this Recirculated Draft EIR. The environmental analysis also considers the following factors:

- ▲ The General Plan Update provides policies and implementation programs, including consideration of incentives, to encourage growth to occur within “identified communities,” where housing, commercial uses, and employment already are concentrated, rather than in more rural areas.
- ▲ Land use changes proposed in the General Plan Update are intended to increase residential, commercial, and employment uses in identified communities, rather than in more rural areas. The only instances where housing designations are added outside of an identified community are where the land use map is changed to conform to existing zoning.
- ▲ A number of policies are intended to reduce the environmental impact of development. When considering whether potential development that may occur under the General Plan Update may result in an environmental impact, relevant proposed policies in the General Plan Update are first applied. This is discussed more fully below.
- ▲ Although the General Plan Update encourages development in identified communities, it does not discourage, prohibit, nor alter where development may occur in rural areas. Low-density housing may occur in rural areas, as is the case under the existing 1996 General Plan. Other key methods and assumptions used to frame and conduct the impact analysis, as well as issues or potential impacts not discussed further (such as issues for which projected development under the General Plan Update would have no impact), are described in each resource section.

Additionally, the County's analysis in this Recirculated Draft EIR considers the level of foreseeable growth throughout the County based in part upon consideration of where existing infrastructure is located and where previously-issued building permits and other land use approvals have been sought. Full buildout of every parcel in the County is not foreseeable.

In summary, the County's assumptions and projections about future growth are based on: 1) historical data about past development in the County's unincorporated areas, 2) the constraints of existing infrastructure (e.g., water, electricity), and 3) the population projections of various agencies (e.g., Department of Finance, Tuolumne County Transportation Council) described above and in Section 2.4.2.

Impacts are organized numerically in each subsection (e.g., Impact 3.2-1, Impact 3.2-2, Impact 3.2-3). A summary of each impact, including the level of significance presented in bold type, precedes the detailed discussion of each impact. The discussion that follows the impact summary includes the substantial evidence supporting the impact significance conclusion.

Physical environmental effects that could result from projected development under the General Plan Update are generally evaluated, consistent with Program EIR requirements. General Plan Update policies and implementation programs applicable to the specific resource are provided in the impact analyses. Policies and implementation programs contained in the Community Plans are not addressed separately in this analysis, as they are considered extensions of the General Plan. Where policies and implementation programs are specifically intended to mitigate the environmental effects associated with future growth in the County, they are discussed as part of the General Plan Update in the overall impact analysis.

“Significant effect on the environment” is defined by State CEQA Guidelines Section 15382 as:

a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

Mitigation measures are not required for effects that are found to be less than significant. Where feasible mitigation for a significant impact is available, it is described following the impact along with its effectiveness at addressing the impact. Each identified mitigation measure is labeled numerically to correspond with the number of the impact that would be mitigated by the measure. Where sufficient feasible mitigation is not available to reduce impacts to a less-than-significant level, or where the County lacks the authority to ensure that the mitigation is implemented when needed, the impacts are identified as remaining “significant and unavoidable.” In those cases where the mitigation measure for an impact could have a significant environmental impact in another issue area, this impact is discussed as a residual effect.

Please refer to the Executive Summary for this Recirculated Draft EIR, which clearly summarizes all impacts and mitigation measures that apply to implementing the General Plan Update.

An important consideration for all CEQA documents, but especially for lead agency–sponsored projects, is the ruling in the 2015 Supreme Court case *California Building Industry Association v. Bay Area Air Quality Management District (CBIA v. BAAQMD)*, which adjusted the approach to CEQA analysis as specified in the CEQA Guidelines. Prior to this case, the CEQA Guidelines required consideration of impacts to the environment as well as from exposure to environmental hazards. The court clarified that impacts on a project’s future residents or users from exposure to environmental hazards were not to be considered significant effects unless a project exacerbated the risks of such impacts. The court specifically used seismic hazards as an example of an inappropriate application of CEQA to review the potential impact of the environment on a project. However, the court gives authority to lead agencies to include a review of potential impacts of the environment on a project when the project is undertaken by the lead agency. The General Plan is the type of project for which a lead agency has the discretion to consider exposure to existing hazards as environmental impacts. The General Plan is a visionary document that broadly establishes policy related not only to the environment but to public health and safety. Therefore, this Recirculated Draft EIR considers potential impacts caused by the environment.

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3.1 AESTHETICS

This section analyzes the potential impacts of projected development under the General Plan Update with respect to aesthetics. Specifically, changes in visual character, impacts to scenic vistas, and impacts related to light and glare are discussed.

Several commenters on the 2015 Draft EIR expressed concerns related to aesthetics, including effects on community character, development assumptions, light generated by potential development, and the general assessment of impacts. These concerns are addressed below, as appropriate.

3.1.1 Environmental Setting

The scenic resources of Tuolumne County are valuable both in that they are a primary determinant of quality of life for area residents and in their capacity to promote tourism. In particular, visitors are attracted to Yosemite National Park; the Stanislaus National Forest; and historic Gold Rush communities, including Columbia and Jamestown. Private vehicles are the primary mode of transportation within the County and views from area roadways are particularly important in defining the aesthetic experience of residents and recreational visitors.

VISUAL CHARACTER

The visual character within the unincorporated County is predominantly rural, as shown in the photographs in Exhibit 3.1-1, with dispersed small-town communities surrounded by open expanses consisting of agriculture, native vegetation, and low-density residential development. Natural features strongly contribute to this visual landscape. The spectacular topographic diversity of Tuolumne County, ranging from the mountainous landscape and steep canyons of the High Sierra in the east (see Photo 4 in Exhibit 3.1-1) to the foothills and gently undulating plains in the west (see Photos 1–3), adds visual interest. Deep river canyons are cut into the western slope of the Sierra Nevada in Tuolumne County. In their upper reaches in the higher Sierra, rivers and glacial sculpturing have carved massive granite cliffs most prominently seen in eastern Tuolumne County in the Emigrant Wilderness. Native vegetation and tree cover are important ingredients in the visual character of Stanislaus National Forest and Yosemite National Park in the eastern portion of the County, as well as in agricultural rangeland.

Prominent water resources also contribute to the rural visual character of Tuolumne County, including rivers, streams, creeks, lakes, and large reservoirs. Lake Don Pedro, New Melones Reservoir, Lake Tulloch to the west and the Hetch Hetchy, Beardsley, Lyons, and Pinecrest reservoirs in the eastern County are important water features. Connecting these lakes and reservoirs are the Stanislaus, Tuolumne, and Clavey Rivers with their deep canyons and steep cliffs. Flowing through the County are numerous lushly vegetated streams and creeks, such as Sullivan Creek and Curtis Creek, which contribute to the County's visual character.

The visual character of established communities in Tuolumne County is influenced by surrounding natural features, as well as their built environments. The Red Hills provide a serpentine backdrop to Chinese Camp, limestone outcrops and remnant marble deposits are scattered throughout Columbia, and the lava cliffs of Table Mountain are visible from Jamestown and Columbia. Within the built environment, individual historic structures and entire historic districts, as discussed in Section 3.5, "Cultural Resources," have visual appeal as living examples of the Gold Rush era, other periods of the County's history, and a diverse set of architectural styles. (Refer to Exhibit 3.1-2 for photographs of exemplary historic structures and sites and to Section 3.5, "Cultural Resources," for a more detailed discussion of historic resources.) Other visually important examples of the built environment include bridges or overpasses, landscaped roadways, and locations where historic events occurred.



Photo 1: Eastward view of Sierra Nevada foothills from historic schoolhouse near Columbia.



Photo 2: View of mature oak trees and grazing lands along Jamestown Road.



Photo 3: View of grazing lands near Chinese Camp.



Photo 4: Rim of the World vista point overlooking the Tuolumne River on State Route 120, one year after the Rim Fire. (Photo Credit: Nerds for Nature - Flickr)

Photographs provided by Tuolumne County in 2018

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Photo 1: A Gold Rush-era store in Columbia State Historic Park.



Photo 2: A brick public schoolhouse in Columbia State Historic Park.



Photo 3: The Emporium building, listed on the National Register of Historic Places, on Main Street in Jamestown.



Photo 4: A convenience store at Chinese Camp on State Route 49.

Photographs provided by Tuolumne County in 2018

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SCENIC VISTAS

A scenic vista is generally considered to be a location from which the public can experience unique and exemplary high-quality views, including panoramic views of great breadth and depth, often from elevated vantage points. While scenic views of the Sierra Nevada are prevalent across much of Tuolumne County, principal travel corridors are important to an analysis of scenic vistas because they define the vantage point for the largest number of viewers. These travel corridors include scenic roadways, primarily, as well as Wild and Scenic Rivers.

Scenic Roadways

Roads and highways in Tuolumne County traverse areas of great scenic beauty, offering enjoyable experiences for passing motorists, cyclists, and hikers. Portions of State Routes (SRs) 49, 108, and 120 are eligible for designation as State Scenic Highways (Caltrans 2018). Although the County does not currently have any officially designated State Scenic Highways, the existing 1996 Tuolumne County Circulation Element identifies portions of SR 49, 108, and 120 as locally designated scenic routes, as shown in Exhibit 3.1-3. The status of a State Scenic Highway changes from eligible to officially designated when the local jurisdiction adopts a scenic corridor protection program, applies to the California Department of Transportation (Caltrans) for scenic highway approval, and receives notification from Caltrans that the highway has been designated as a State Scenic Highway.

State Route 49

This highway traverses the western foothills and Mother Lode and connects many historical sites and towns. As shown in Photo 1 in Exhibit 3.1-4, typical views from SR 49 consist of agricultural rangeland on rolling hills. According to the County's existing Circulation Element and Natural Resources Element, SR 49 is a locally designated scenic route from the Mariposa County line to SR 120 near Moccasin Creek, and from SR 120 at Chinese Camp to the Calaveras County line, exclusive of the City of Sonora. This section of SR 49 also is eligible for designation as a State Scenic Highway (Caltrans 2018).

State Route 108

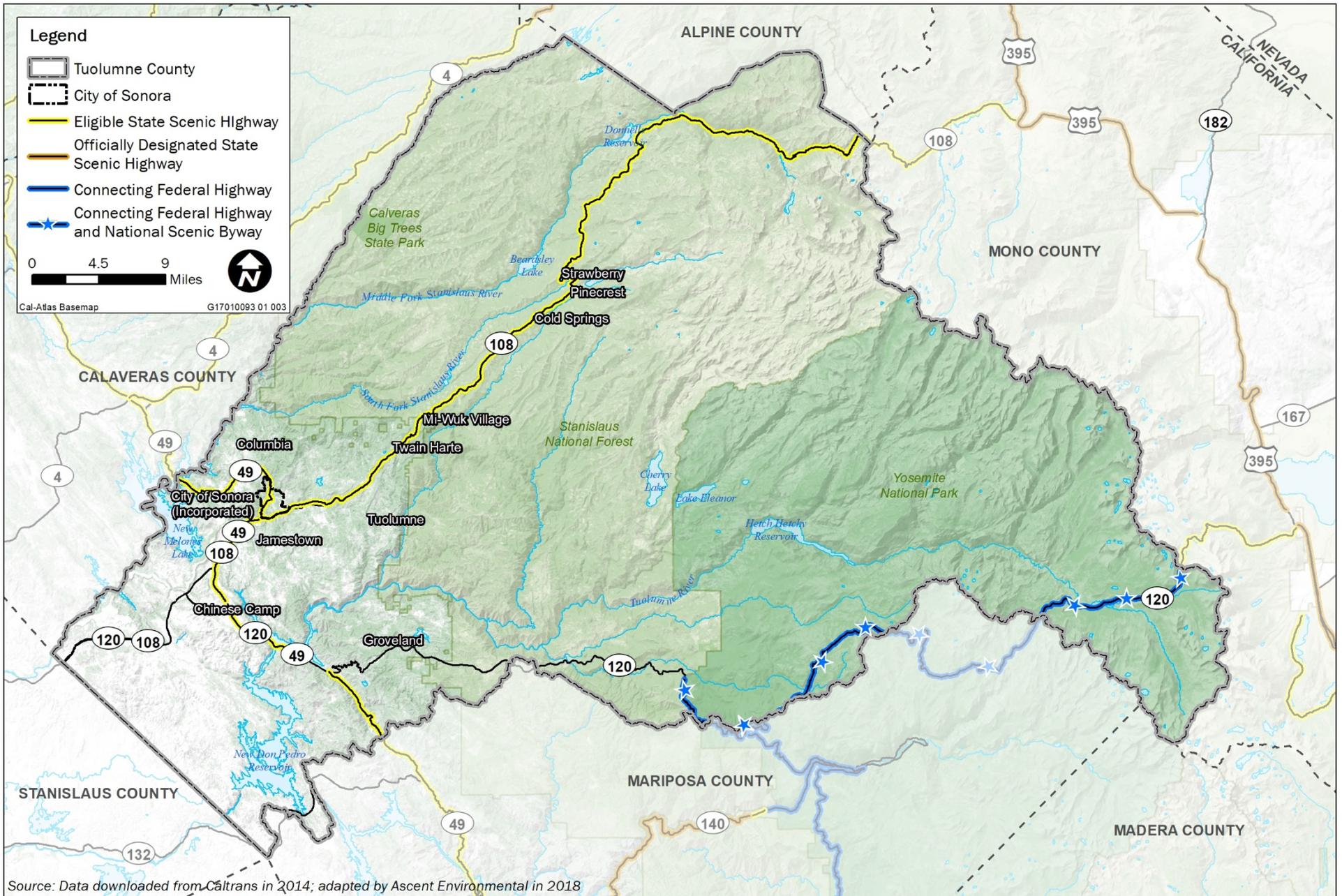
The portion of SR 108 from SR 49 near the City of Sonora easterly to the Mono County line is a locally designated scenic route, part of the Sonora Pass Highway, and eligible for designation as a State Scenic Highway (Tuolumne County 1996; Caltrans 2018). This route leads northeasterly from the Central Valley into the historic gold mining communities of Jamestown and Sonora. Views consist of long stretches of grassy plains, to flattop buttes, to the foothills that eventually reach the mountain roads with views into the Stanislaus National Forest. Photo 2 in Exhibit 3.1-4 shows representative views of forested hills near the community of Twain Harte.

State Route 120

From SR 49 near Chinese Camp easterly to SR 49 near Moccasin Creek, SR 120 is a locally designated scenic route (Tuolumne County 1996). Don Pedro Reservoir can be viewed from this particular stretch of SR 120. In addition, SR 120 is a connecting Federal Highway and National Scenic Byway throughout Yosemite National Park that offers a spectacular passage over the Sierra Nevada (Caltrans 2018). The byway also traverses Sierra National Forest, Stanislaus National Forest, Humboldt-Toiyabe National Forest, and Inyo National Forest. Views include towering granite peaks, pristine lakes, wildflower-covered meadows, and lush evergreen forests with giant sequoia groves.

Vista Points

Although the County has many areas of scenic beauty, only three vista points officially designated by Caltrans are located in the County. These vista points are located on SR 120 at post miles (PMs) 19, 21, and 44. PMs 19 and 21 can be found at Don Pedro Lake, and PM 44, the Rim of the World vista point, overlooks the canyon containing the South Fork of the Tuolumne River. The Rim Fire of 2013, which burned approximately 400 square miles, has altered the scenic character of this overlook by reducing the amount of vegetative cover (see Photo 4 in Exhibit 3.1-1).



Source: Data downloaded from Caltrans in 2014; adapted by Ascent Environmental in 2018

Exhibit 3.1-3

Scenic Routes and Byways





Photo 1: Eastward view of grazing lands along State Route 49/Montezuma Road.



Photo 2: Eastward view on State Route 108 toward the community of Twain Harte.

Photographs provided by Tuolumne County in 2018

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Wild and Scenic Rivers

The National Park Service has designated a portion of the Tuolumne River as a Wild and Scenic River Corridor. Pursuant to the Wild and Scenic Rivers Act, a designated river has outstandingly remarkable values, or unique characteristics that make it worthy of special protection. The Tuolumne River is an important visual resource that draws tourists to the area for recreational opportunities within designated Wilderness in Yosemite National Park and Stanislaus National Forest.

The Tuolumne River alternately meanders across wide meadows and cascades down steep canyons in a glacially carved, snow-capped landscape and creates magnificent scenery with a unique character, including the following notable scenic views:

- ▲ the largest glacier on the western flank of the Sierra Nevada is part of the high-country views from the Lyell Fork;
- ▲ views along the Lyell Fork, Dana Fork, and Tuolumne Meadows encompass the meandering river, adjacent meadows, glacially carved domes, and rugged mountain peaks;
- ▲ views within the Grand Canyon of the Tuolumne include steep canyon walls, hanging valleys, and cascades of falling water; and
- ▲ the stretch of river below Hetch Hetchy Reservoir offers stunning views of fertile meadows, a glacially carved bedrock valley, large river pools, dramatic canyon walls, and a constricted slot canyon.

LIGHT AND GLARE

In Tuolumne County, sources of light and glare are generally limited to major transportation corridors and clusters of development that include commercial and industrial uses. Nighttime lighting is necessary to provide safe environments (e.g., roadways, sidewalks, and parking lots) and promote nighttime activities (e.g., signs for movie theaters and restaurants).

Light Pollution

“Light pollution” refers to all forms of unwanted light in the night sky, including glare, light trespass, sky glow, and over-lighting. Views of the night sky can be an important part of the natural environment, particularly in communities surrounded by extensive open space, such as mountain communities in Tuolumne County. Excessive light and glare can also be visually disruptive to humans and nocturnal animal species.

There are two primary sources of light intrusion: (1) light emanating from structural interiors and passing through windows and (2) light from exterior sources, such as street lighting, building illumination, security lighting, traffic headlights, and landscape lighting. Uses such as residences, hospitals, and hotels are considered light-sensitive since they are typically occupied by persons who have expectations for privacy during evening hours and who are subject to disturbance by bright light sources. Glare results mainly from sunlight reflection off flat building surfaces with glass and reflective metal surfaces typically contributing to the highest degree of reflectivity.

At night, light pollution is present in and around the County; however, light pollution is primarily confined to the identified communities, as the vast majority of the County consists of agricultural, natural resource conservation, and open space uses. Specific sources of nighttime illumination include streetlights and vehicular lights associated with roadways, as well as commercial buildings and residences. Urban lighting associated with the City of Sonora in Tuolumne County also affects nearby unincorporated areas, including the community of East Sonora. Glare within the area is created by exterior building materials, surface paving materials, and vehicles traveling or parked on roads and driveways. Any highly reflective facade materials are of particular concern, as buildings reflect sunlight.

Electric lighting also increases night sky brightness and is the human-made source of sky glow. Light that is either emitted directly upward by luminaires or reflected from the ground is scattered by dust and gas molecules in the atmosphere, producing a luminous background. It has the effect of reducing one's ability to view the stars. Sky glow is highly variable depending on immediate weather conditions, quantity of dust and gas in the atmosphere, amount of light directed skyward, and the direction from which it is viewed. In poor weather conditions, more particles are present in the atmosphere to scatter the upward-bound light.

3.1.2 Regulatory Setting

FEDERAL

Wild and Scenic Rivers Act

The National Wild and Scenic Rivers System was created by Congress in 1968 to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations. The Wild and Scenic Rivers Act is notable for safeguarding the special character of these rivers, while also recognizing the potential for their appropriate use and development.

Each river in the National System is administered with the goal of protecting and enhancing the values that caused it to be designated. Designation neither prohibits development nor gives the federal government control over private property. Recreation, agricultural practices, residential development, and other uses may continue. Protection of the river is provided through voluntary stewardship by landowners and river users and through regulation and programs of federal, state, local, or tribal governments.

STATE

California Scenic Highway Program

California's Scenic Highway Program was created by the California Legislature in 1963 and is managed by Caltrans. The goal of this program is to preserve and protect scenic highway corridors from changes that would affect the aesthetic value of the land adjacent to highways. A highway may be designated "scenic" depending on how much of the natural landscape travelers can see, the scenic quality of the landscape, and the extent to which development intrudes on travelers' enjoyment of the view.

California Energy Commission Building Energy Efficiency Standards for Outdoor Lighting

Title 24, Parts 1 and 6, Building Energy Efficiency Standards, adopted by the California Energy Commission on November 5, 2003, includes requirements for outdoor lighting. These standards are updated on a 3-year cycle. The last update will take effect in 2020. These requirements vary according to which "Lighting Zone" in which the equipment is located. The standards contain lighting power (i.e., maximum zonal lumens) allowances for newly installed equipment and specific alterations that are dependent on which Lighting Zone the project is located. Existing outdoor lighting systems are not required to meet these lighting power allowances. However, alterations that increase the connected load, or replace more than 50 percent of the existing luminaires for each outdoor lighting application that is regulated by the standards must meet the lighting power allowances for newly installed equipment.

The allowed lighting power is based on the brightness of existing lighting in the surrounding area. This is because the human eye adapts to darker surrounding conditions, and less light is needed to properly see; when the surrounding conditions get brighter, more light is needed to see. Providing greater power than is needed potentially leads to debilitating glare and to an increasing spiral of brightness as over-bright projects become the surrounding conditions for future projects causing future projects to unnecessarily consume energy and contribute to light pollution.

The California Energy Commission defines the boundaries of Lighting Zones based on U.S. Census Bureau boundaries for urban and rural areas as well as the legal boundaries of wilderness and park areas. The smallest amount of power is allowed in Lighting Zone 1, and increasingly more power is allowed in Lighting Zones 2, 3, and 4. By default, government-designated parks, recreation areas, and wildlife preserves are designated Lighting Zone 1; rural areas are designated Lighting Zone 2; and urban areas are designated Lighting Zone 3. Lighting Zone 4 is a special use district that may be adopted by a local government.

Mills Act Property Tax Abatement Program

Enacted in 1972, the Mills Act legislation grants participating local governments (cities and counties) authority to enter into contracts with owners of qualified historic properties who actively participate in the restoration and maintenance of their historic properties while receiving property tax relief. A formal agreement, generally known as a Mills Act or Historical Property Contract, is executed between the local government and the property owner for a minimum 10-year term. Contracts are automatically renewed each year and are transferred to new owners when the property is sold. Property owners agree to restore, maintain, and protect the property in accordance with specific historic preservation standards and conditions identified in the contract. Periodic inspections by city or county officials ensure proper maintenance of the property. Local authorities may impose penalties for breach of contract or failure to protect the historic property. The contract is binding to all owners during the contract period.

LOCAL

Tuolumne County General Plan

The 1996 General Plan provides the main regulatory framework for addressing aesthetic issues in the County. As the proposed project would update the 1996 General Plan, this document will be discussed in the context of the update within the impact analysis. The Community Identity Element and the Scenic Resources Section of the Natural Resources Element include policy statements to conserve scenic vistas, preserve buffer areas of open space around communities, and enhance the visual quality of urban communities. The community plans for Jamestown, Columbia, East Sonora, and Tuolumne contain similar policies to protect visual resources and include requirements for design review for projects within design review areas. As discussed above, the Circulation Element identifies sections of SR 49, 108, and 120 as locally designated scenic routes. Specific General Plan Update policies related to aesthetics are identified below under Section 3.1.3, "Impact Analysis."

Tuolumne County Ordinance Code

The Tuolumne County Ordinance Code implements the General Plan by establishing setbacks, parking and sign standards, building height limits, and building densities. Chapter 17.46 of the Ordinance Code requires design review as part of the discretionary entitlement process for land development projects located within a Design Review Combining zoning district that would result in a change in the appearance of a parcel. The design review process is intended to conserve the County's rural character, scenic built environment, natural environment, and cultural resources. Four Design Review Districts, along with corresponding adopted design guidelines, implement this process in Tuolumne County for the communities of Columbia, Jamestown, Tuolumne, and Twain Harte. In addition, the County adopted Design Guidelines in May 2009 for the East Sonora area.

The Ordinance Code requires that a minimum area of 10 percent of a project site be landscaped for commercial, industrial, and multiple-family residential development projects that are subject to a planned unit development permit, site development permit, site review permit, conditional use permit, building permit, or grading permit on land zoned C, M, BP, M-U, R-3, or R-2 (Section 15.28.030 of the Tuolumne County Ordinance Code). Existing vegetation and areas zoned O (Open space) or O-1 (Open space-1) count toward meeting this requirement. For multiple-family residential, mobile home park, recreational vehicle park, and campground projects, 15 percent of the project site must be provided as Open Space or recreation areas (Sections 17.56.080 and 17.64.100 of the Tuolumne County Ordinance Code).

Chapter 17.68 of the Ordinance Code includes the guidelines for issuance of use permits, which allows the Community Resources Director or Planning Commission to make a finding that a proposed development is in conformity with the intent and provisions of the Ordinance Code. These guidelines also are intended to protect the public welfare by ensuring the minimization of adverse effects of a project on surrounding property. They include considerations relative to the health, safety, and general welfare of persons residing or working in the neighborhood. In addition, Chapter 17.68 provides guidelines for approval of site development permits and site review permits to ensure that proposed developments achieve a desirable design.

Development Guidelines

The County maintains guidelines specific to scenic routes, hillside development, and landscaping. The 1998 *Guidelines for Development along Scenic Routes* illustrates design elements that can be incorporated when siting, designing, and constructing land development projects located along an identified scenic route (Tuolumne County 1998). The guidelines provide recommendations to assist the County and property owners in conserving views from designated scenic routes, minimizing alteration of natural land forms, provide visual compatibility with the character of the surrounding area, and restore and enhance the visual quality of degraded areas. The *Hillside and Hilltop Development Guidelines* provide a framework to minimize visible changes to the County's hillsides and hilltops resulting from land development (Tuolumne County 1998b). These guidelines are intended to inform and educate the public. Property owners can choose whether to utilize the guidelines to mitigate impacts on visual resources resulting from development. The 2016 *Landscape Guidelines* are intended to assist developers with meeting the landscape requirements established in the Tuolumne County Ordinance Code.

3.1.3 Impact Analysis

METHODS OF ANALYSIS

The General Plan is a policy document that would guide development and conservation of land throughout the County. Adoption of the plan would not result in any changes to existing conditions; however, the policies could allow for or encourage future activities that may affect the aesthetic qualities of the County. Impacts are evaluated assuming anticipated development of the plan area through 2040. In determining the extent and implications of the visual changes, consideration was given to:

- ▲ existing visual qualities of the affected environment;
- ▲ the visual context of the affected environment;
- ▲ the extent to which the affected environment contains places or features that provide unique visual experiences or that have been designated in plans and policies for protection or special consideration; and
- ▲ the sensitivity of viewers, access of viewers, their activities, and the extent to which these activities are related to the aesthetic qualities that could be affected.

The assessment of aesthetic impacts involves qualitative analysis that is inherently subjective in nature. Different viewers react to viewsheds and aesthetic conditions differently.

THRESHOLDS OF SIGNIFICANCE

According to Appendix G of the *State CEQA Guidelines*, an impact is considered significant if the project would have:

- ▲ a substantial adverse effect on a scenic vista;

- ▲ substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- ▲ substantially degrade the existing visual character or quality of the site and its surroundings; or,
- ▲ create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

GENERAL PLAN UPDATE POLICIES

The following policies and implementation programs from the General Plan Update are applicable to the evaluation of effects related to visual resources:

Community Development and Design Element

- ▲ **Policy 1.A.4:** Focus urban growth in identified communities, emphasizing infill development and the intensified use of existing development.
 - **Implementation Program 1.A.c:** Designate land between identified communities for non-urban land uses to protect the individual character of each community and to maintain distinct boundaries between communities.
 - **Implementation Program 1.A.d:** Maintain the County's rural character by utilizing transitional land uses around urban areas as buffers between communities and agricultural areas and timberlands, including rural density development, recreation areas, cluster developments, and natural features such as streams, ridgetops and large stands of trees.
- ▲ **Policy 1.A.12:** Identify special features or characteristics, such as unique topography, critical view sheds, or sensitive habitat, in areas throughout the County that affect development potential or opportunities for conservation.
- ▲ **Policy 1.B.3:** Require new commercial development to be designed to minimize the visual impact of parking areas on public roads and on public viewsheds.
 - **Implementation Program 1.B.g:** Require proponents of new commercial development to locate parking areas behind buildings or sufficiently screen them from public roads and public viewsheds, or, if locating behind buildings and screening are determined to be infeasible, provide other landscaping or design features to visually enhance the parking areas.
- ▲ **Policy 1.B.5:** Preserve the existing nighttime environment by limiting the illumination of areas surrounding new development. New lighting that is part of residential, commercial, industrial, or recreational development shall be oriented away from off-site sensitive uses, and shall be hooded, shielded, and located to direct light downward and prevent glare.
- ▲ **Policy 1.E.4:** Maintain development standards for housing projects that reflect and consider natural and cultural features, noise exposure of residents, fire hazard, circulation, access and the relationship of the development to surrounding land uses. These requirements determine residential densities and patterns which may result in a density that is less than the maximum specified by General Plan designations.
- ▲ **Policy 1.F.3:** Encourage commercial development to be designed to be compatible with the scale and architectural style of historic buildings located in the community.
 - **Implementation Program 1.F.c:** Establish design guidelines for new commercial development in communities desiring design review to be compatible with the scale and architectural style of the

existing buildings and integrate where appropriate natural and cultural amenities such as creeks, hillsides, scenic views, historic buildings and structures, and archaeological sites.

- **Implementation Program 1.F.d:** Encourage street frontages in historic communities to reflect the historic “Main Street” character and ambiance.
- ▲ **Policy 1.F.4:** Encourage commercial development to be designed in an architectural style that reflects the County’s indigenous materials or is compatible with the historic Mother Lode design features or is consistent with the architectural guidelines in communities with design review.
- ▲ **Policy 1.F.5:** Amend the Uniform Zoning Ordinance, Title 17 of the Tuolumne County Ordinance Code, to provide for off-site parking in historic districts to encourage parking for new commercial development to be consolidated in well-designed and landscaped lots or parking structures instead of on-site and to recognize the limitations of constructing parking facilities on undersized historic parcels.
- ▲ **Policy 1.G.4:** Encourage new industrial development to design parking areas that are sufficiently screened from public roads and surrounding public viewsheds.
- ▲ **Policy 1.G.5:** Establish design guidelines for new industrial development in or immediately adjacent to historic communities desiring design review to be designed to be compatible with the scale and architectural style of the historic buildings.

Cultural Resources Element

- ▲ **Policy 13.A.1:** Initiate, adopt, and promote the availability of monetary and other incentive programs to encourage the retention, reuse and restoration of historic structures.
 - **Implementation Program 13.A.a:** Continue to implement the Mills Act in Tuolumne County and update Resolution 171-92 to reflect legislative changes to the Mills Act when necessary to provide reductions in property taxes through historic preservation. The Mills Act program will aid in encouraging the adaptive reuse of historic structures for business enterprises.
 - **Implementation Program 13.A.b:** Prepare a list of properties in Tuolumne County, as local community cultural resource inventories are completed, which could benefit from the 1986 Tax Reform Act and notify and assist property owners with information for taking advantage of this Act which provides Federal income tax credit for income producing properties on or eligible for the National Register of Historic Places.
 - **Implementation Program 13.A.c:** Identify an existing and/or support formation of an agency to accept resource donations for tax deductions or tax credits. The agency should carry an IRS 501(c)(3) designation and should be able to accept facade easement dedications, acquire property as gifts, implement restoration projects, raise funds for restoration through donations, and operate fund-raising projects. The agency should, to the extent feasible, be a multi-purpose organization which could receive both cultural and natural resource dedications.
 - **Implementation Program 13.A.d:** Support implementation of the Marks Historical Rehabilitation Act in Tuolumne County. Health and Safety Code Sections 37600 et seq. authorize Tuolumne County and other local agencies to issue bonds for the rehabilitation of historic properties.
 - **Implementation Program 13.A.e:** Upon completion of each cultural resources inventory pursuant to Policy 13.C.1, provide each participating parcel owner with a copy of his or her property evaluation. For those properties determined potentially eligible for listing in the National Register, provide a listing of incentive programs available for the property upon listing the property on the National Register or Tuolumne County Register of Cultural Resources.

- ▲ **Policy 13.B.2:** Assist in retaining the special character of historic districts and promote compatible development within historic districts by reducing, adapting and/or modifying some development standards within historic districts.
 - **Implementation Program 13.B.j:** Maintain the current provisions for waiving fees for requests to zone to H and HDP and for waiving fees for Mills Act applications. Consider expanding the fee waiver provisions to include waiving development permit fees for site review, site development, and conditional use permits for work done on Tuolumne County Register and National Register structures that is consistent with the Secretary of the Interior’s Standards for Treatment of Historic Properties With Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings. Reduce or waive building fees for structures using the State Historical Building Code.
 - **Implementation Program 13.B.k:** Continue to provide for reduced and/or modified development standards on land zoned H and HDP or for buildings or structures classified as Priority 1, 2 or 3 in Figure 13.D: *Priority Classification System for Historic Buildings and Structures* in any zoning district.
 - **Implementation Program 13.B.l:** Continue to protect cultural resource features important to the context or setting of cultural resources such as mature trees and vegetation, retaining walls, and fences when considering development projects within H and HDP zoning districts.
 - **Implementation Program 13.B.m:** Continue to implement Title 14 so that buildings on the Tuolumne County Register of Cultural Resources shall be deemed “qualifying structures,” eligible to use the State Historical Building Code pursuant to Section 18955 of the Health and Safety Code.
 - **Implementation Program 13.B.p:** Continue to require the Secretary of the Interior’s Standards for Treatment of Historic Properties With Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings as a guide for evaluating development proposals involving cultural resources, such as restoration, alteration of, and, additions to existing historic structures.
 - **Implementation Program 13.B.s:** Continue to streamline the development application review process by eliminating review by the Historic Preservation Review Commission for projects and alterations that have been listed as acceptable to that Commission and are consistent with the Secretary of the Interior’s Standards for Treatment of Historic Properties With Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings and grant authority to the Community Resources Agency Director to approve such projects in-house without additional review from the Tuolumne County Historic Preservation Review Commission. The project list should include these projects where consistent with the Secretary of the Interior’s Standards for Treatment of Historic Properties With Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings:
 - color schemes acceptable for repainting (including acceptable trim combinations);
 - maintenance projects involving replacement with like materials and like colors; and
 - replacement of doors or windows with doors or windows of the same size and of similar appearance.
- ▲ **Policy 13.C.3:** Identify historic districts and structures.
 - **Implementation Program 13.C.k:** Designate corridors, or portions of corridors, which:
 1. are examples of historic trade, water distribution or transportation routes, conveyance systems or trails, or
 2. are lined with visible cultural resources, or

- 3. pass through historic or design review districts, or
- 4. are representative of a major period in Tuolumne County or California history.

Designation of Heritage Corridors shall only be approved by the Board of Supervisors after consent of the owners of a minimum of 51 percent of the property area and 51 percent of the property owners included within a proposed Heritage Corridor. The determination of the consent of the property owners for the formation of Heritage Corridors shall be based upon each parcel having one vote. In conjunction with the designation of a Heritage Corridor, a cultural resources conservation program for the area within the proposed corridor shall be formulated as a cooperative effort by the owners of the property within the corridor and the County and adopted by the Board of Supervisors.

Natural Resources Element

- ▲ **Policy 16.A.1:** Recognize that agricultural and timberlands have historically defined the rural character and scenic beauty of Tuolumne County.
- ▲ **Policy 16.A.2:** Conserve the natural scenic quality and rural character along scenic routes in the County.
- **Implementation Program 16.A.b:** Continue to recognize the following sections of State Highways which traverse an area of outstanding scenic quality as local or State Scenic Route:

| Scenic Route | Description |
|-------------------------|---|
| State Highway Route 49 | This route traverses the western foothills and Mother Lode and connects many historical sites and towns. This highway shall be designated as a Scenic Route from the Mariposa County line to Route 120 near Moccasin Creek and from Route 120 at Chinese Camp to the Calaveras County line, exclusive of the City of Sonora. This highway is included in the "Master Plan for State Scenic Highways." |
| State Highway Route 108 | The Sonora Pass Highway, from Route 49 easterly into Mono County. This, like State Route 49 described above, gives access and exposure to spectacular mountain country. This route is also in the "Master Plan for State Scenic Highways." |
| State Highway Route 120 | From Route 49 near Chinese Camp easterly to Route 49 near Moccasin Creek. This route is also in the "Master Plan for State Scenic Highways." |

The land use restrictions on Scenic Routes and lands adjacent to them as outlined in the Streets and Highways Code of the State of California shall only apply to lands designated as non-urban on the General Plan land use diagrams. Land designated as TPZ or AG when the parcel is 37 acres or larger and supports an agricultural or residential land use or is vacant shall be exempt from these restrictions.

- **Implementation Program 16.A.d:** Encourage the conservation of the County’s scenic resources along the transportation routes identified as Scenic by maintaining guidelines which provide recommendations for integrating new development with the surrounding landscape and natural topography. The guidelines should address the retention of trees and other native vegetation, screening of outdoor storage areas, landscaping and revegetation, signage, architectural design and materials, lighting and retention of landscape features.
- ▲ **Policy 16.A.3:** Conserve the natural scenic quality of hillsides and hilltops throughout Tuolumne County.
- **Implementation Program 16.A.e:** Encourage hillside development to be designed and located to be compatible with, rather than imposed on, the landscape and environment by minimizing the amount of grading and topographical alteration it necessitates.
- **Implementation Program 16.A.f:** Maintain hillside development guidelines which provide recommendations for integrating new construction with hillsides and hilltops. The guidelines should address fire-safe construction techniques, color and building materials, vegetation retention, retaining wall enhancement, alternative road construction techniques to reduce cuts and fills, and illustrate techniques for blending new construction with the surrounding hillsides and hilltops.

- **Implementation Program 16.A.g:** Encourage the design of new development to blend with the natural contour of the land and the natural vegetation.
- **Implementation Program 16.A.h:** Regulate signage in terms of size, quantity and location in commercial and industrial portions of the County in order to improve the visual attractiveness and appeal of the County to new business, and to protect and enhance its visitor-serving and recreational activities.
- ▲ **Policy 16.A.4:** Support the efforts of identified communities which desire to promote compatibility of new development with their historical character through the development of design guidelines or other means.
- ▲ **Policy 16.A.5:** Conserve scenic resources, landmarks and the natural landscape.
 - **Implementation Program 16.A.i:** Provide flexibility in development standards to facilitate the clustering of new development in order to encourage the retention of scenic resources, landmarks and the natural landscape.
 - **Implementation Program 16.A.j:** Recognize that Table Mountain has significant cultural, scenic and natural resource values and is a County landmark and, as such, adopt regulations and incentives for protecting the area of Table Mountain.
- ▲ **Policy 16.A.6:** Encourage 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 Program 16.A.k:** Establish an incentive program to retain existing vegetation, such as Heritage Trees, stands of oak woodlands, or clusters of native shrubs within new development.
 - **Implementation Program 16.A.l:** Maintain the Premature Removal of Native Oak Trees Ordinance.
 - **Implementation Program 16.A.m:** Establish a Heritage Tree Program which:
 - Establishes criteria for identifying individual or groves of native and non-native trees and street trees as heritage trees, based on outstanding scenic, historic or biological value and/or the status of the tree as unique in terms of age and/or size when compared to other trees of the same species. Trees considered local landmarks and those contained in the National Register of Big Trees also should be considered as heritage trees.
 - Creates programs encouraging the preservation of heritage trees including recognition and public education programs and participation in inter-county and interstate competitions.
 - Addresses health and safety issues associated with trees located adjacent to local airports.
- ▲ **Policy 16.A.7:** Encourage and support the voluntary conservation of scenic resources through recognition programs and the provision of incentives, such as flexibility in development standards or reductions in appropriate County fees.

PROJECT IMPACTS

This section presents a programmatic-level analysis of potential impacts associated with visual resources from projected development under the General Plan Update. Evaluation of environmental impacts associated with the General Plan Update considers the development that would be facilitated by the General Plan Update, in accordance with goals, policies, and implementation programs, to accommodate projected growth in the County. It should be noted that the County's population is projected to grow by 0.6 percent

annually over the planning horizon (2040). As discussed in detail in Chapter 2, “Project Description,” and the introduction to Chapter 3, this is a relatively low amount of growth.

Impact 3.1-1: Impacts to a Scenic Vista or Scenic Resource Visible from a Visually Sensitive Location

The General Plan Update would facilitate development visible from locally designated scenic routes. General Plan Update policies also would protect scenic vistas along locally designated scenic routes. With implementation of these policies, projected development under the General Plan Update would not be expected to substantially alter views of important scenic resources from visually sensitive areas. Therefore, impacts to vistas and scenic resources viewed from key locations, including designated roadways, would be **less than significant**.

New development associated with the General Plan Update could result in changes to important scenic resources as seen from visually sensitive locations. Visually sensitive public locations include viewpoints where a change to the visibility of an important scenic resource, or a visual change to the resource itself, would affect the general public. These locations include principal travel corridors; public plazas; trails; parks; parkways; and designated, publicly available, and important scenic corridors (such as rivers). This analysis of the potential for effects on scenic vistas or resources focuses on views from primary transportation corridors and considers the overall potential for a substantial adverse change to scenic vistas or resources.

It should be noted that additional agritourism-related uses under the proposed General Plan Update and changes to Title 17 of the County Ordinance Code would allow a wider range of uses related to agritourism, such as private stables, demonstration gardens, seasonal crop mazes, pumpkin patches, etc. However, these uses would complement the primary agricultural use and would generally be size restricted. Further, as a matter to practice, agritourism facilities are designed to enhance the agricultural heritage associated with the properties’ use, so facilities tend to be complementary of the agricultural use and attractive to the public. Therefore, agritourist facilities allowed under the General Plan and revised code would not differ substantially from the existing character of the agricultural properties and would not be expected to visually detract from the viewshed in these typically rural areas as seen from scenic roads.

Residents and visitors access Tuolumne County via SRs 49, 108, and 120. While Tuolumne County has no designated State Scenic Highways, portions of SRs 49, 108, and 120 are eligible for such designation. Furthermore, the County’s existing Circulation Element and Natural Resources Element identify these roadways as locally designated scenic routes, and the updated elements maintain these designations. As discussed above, SR 49 provides views of the western foothills of the Sierra Nevada and historical sites; SR 108 traverses grassy plains, flattop buttes, foothills, and mountainous landscapes in the Stanislaus National Forest; and SR 120 overlooks Don Pedro Reservoir.

However, the General Plan Update is intended to focus future development within identified communities rather than along scenic routes in rural areas, even if development in rural areas would still be permitted. This land use scenario would tend to minimize impacts to two scenic vistas designated by Caltrans on a rural section of SR 120 near the Don Pedro Reservoir. The third scenic vista designated by Caltrans in Tuolumne County, the Rim of the World overlook of the Tuolumne River, is located inside Stanislaus National Forest and would not be affected by development under the General Plan Update.

In addition, the General Plan Update generally promotes the conservation of scenic resources, landmarks, and the natural landscape through Policy 16.A.5. This includes both the distinct character of the historic communities traversed by the County’s principal roadways and the natural environment that provides both the background to these built environments and a variety of scenic vistas. Implementation Program 16.A.i allows for flexibility in development standards to achieve Policy 16.A.5. Policy 16.A.7 encourages voluntary conservation of scenic resources through recognition programs and provision of incentives. As stated above, many of the County’s principal transportation routes traverse the “main streets” of historic communities, and policies have been designed to preserve these scenic resources.

For example, the General Plan Update includes policies to limit the visual effects of commercial and industrial development (Policies 1.B.3, 1.F.3, and 1.F.4; Implementation Programs 1.B.g, 1.F.c, and 1.F.d). Identification of historic structures and districts would occur under Policy 13.C.3. Policy 13.A.1 encourages the retention of existing historic structures, and associated implementation policies (13.A.a through 13.A.e) are designed to guide the identification of historic structures and the funding of their restoration and reuse. Policy 13.B.2 and Implementation Programs 13.B.j through 13.B.s would also protect cultural resources and their surroundings. Historic corridors, particularly in areas where the resources are highly visible, would be designated through Implementation Program 13.C.k. These corridors and associated cultural resources conservation programs would be driven by citizen participation.

Policy 16.A.3 in the Natural Resources Element would conserve the character and scenic quality along scenic routes through Implementation Programs 16.A.b and 16.A.d, which include land restrictions and guidelines that recommend ways in which development can be integrated into the existing environment. Implementation Program 16.A.d would encourage conservation of the County's scenic resources along locally designated scenic routes by maintaining guidelines on how to integrate new development with the surrounding landscape and natural topography. These guidelines "address the retention of trees and other native vegetation, screening of outdoor storage areas, landscaping and revegetation, signage, architectural design and materials, lighting and retention of landscape features." In addition, Policy 16.A.3 and Implementation Programs 16.A.e through 16.A.g would maintain guidelines that provide recommendations for integrating new construction with scenic hillsides and hilltops, by minimizing the amount of grading and topographical changes. Implementation Program 16.A.j would require adoption of regulations and incentives specifically designed to protect the Table Mountain area, which is visible from many of the County's scenic roadways. The community plans for Jamestown, Columbia, East Sonora, Mountain Springs, and Tuolumne also have policies addressing scenic resources. In addition, the County's development guidelines provide a framework for development along scenic routes.

Although there are no state-designated scenic highways in the County, the County has numerous scenic corridors, including trails and rivers. The General Plan Update includes policies and implementation programs intended preserve the historic and natural resources in these areas. Policies related to preservation of resources include requirements that provide enough assurance to determine that the overall aesthetic of scenic resources, as viewed from key viewing locations, would be maintained. Because projected development under the General Plan Update would not substantially alter views of important scenic resources from visually sensitive areas, this impact would be **less than significant**.

Mitigation Measures

No mitigation is required.

Impact 3.1-2: Substantial Degradation of Existing Visual Character or Quality

The General Plan Update would promote development within and near identified communities, which would minimize changes to the County's predominantly rural character. Policies in the General Plan Update would encourage new development to be compatible with the scale and character of existing development and would enhance the distinct visual identities of communities and preserve aesthetic quality. General Plan Update policies also would protect the visual character of communities with historic buildings. Impacts would be **less than significant**.

The General Plan Update would minimize changes to the County's predominantly rural visual character. This road map for land uses in Tuolumne County, as codified in the updated land use map, would focus growth within identified communities. Infill would reduce the pressure for development that encroaches upon agricultural rangeland and other undeveloped land, thus minimizing the potential for the development of these lands throughout the County. Rural areas of the County would continue to serve as buffers between identified communities. Although agritourism-related uses allowed under the proposed General Plan Update and changes to Title 17 of the County Ordinance Code would allow a wider range of uses related to agritourism, such as private stables, demonstration gardens, seasonal crop mazes, pumpkin patches, etc.,

these uses would supplement the primary agricultural use and would generally be size restricted. They would be intended to be visually compatible with the underlying agricultural use, as a matter of practice. Therefore, agritourist facilities allowed under the General Plan and revised Ordinance Code would not differ substantially from the existing character of the agricultural properties. The most substantial changes to visual character would be expected to occur within identified communities, where mixed-use and higher density residential development would occur, especially on vacant and underutilized sites. Changes to visual character could also occur outside identified communities. However, the overall rate of growth in the County is projected to be low, such that the quantity of development outside of the identified communities, and the associated potential to substantially degrade the existing visual character or quality of the County, would be limited. While some lower density development would occur in rural areas, this development would be single-family residential development on multiple-acre lots, which would be visually consistent with a rural setting.

Incremental buildout to 2040 under the General Plan Update would be expected to result in a maximum net increase of 5,159 dwelling units, 938,000 square feet of commercial development, and 196,000 square feet of industrial development in the County above existing conditions (year 2015). This represents a 24-percent increase in dwelling units, 20-percent increase in commercial development, and 11-percent increase in industrial development in the County above existing conditions. The intensification of land use anticipated to occur in established communities may be considered an adverse effect to some viewers because of the presence of larger buildings and the corresponding reduction in vacant land within the County. However, as detailed below, policies in the General Plan Update would encourage new development to be compatible with the scale and character of existing development and would enhance the distinct visual identities of communities. Other policies would protect historic sites and their surroundings, which are a signature aspect of the visual character of Tuolumne County's unincorporated communities.

As indicated above, there are several policies and implementation programs in the Cultural Resources Element that encourage the protection of historic structures and corridors, which are key aspects of Tuolumne County's character. Although impacts to individual resources may occur with implementation of the General Plan Update, the policies and implementation programs identified in the General Plan Update, in conjunction with established regulations, would serve to substantially reduce the potential effects of development on the historic character of established communities. For further evaluation of effects on historic resources, refer to Impact 3.5-1 in Section 3.5, "Cultural Resources."

In addition to established communities, agricultural areas and timberlands have historically defined the rural character and scenic beauty of Tuolumne County. This is stated in Policy 16.A.1. Effects on agricultural and timber resources are addressed in Section 3.2, "Agricultural and Forest Resources."

The General Plan Update also includes policies to limit the visual effects of new residential, commercial, and industrial development. Policy 1.A.4 and Implementation Programs 1.A.c and 1.A.d guide growth to identified communities by designating land between communities for non-urban land uses and utilizing transitional land uses as buffers. Housing developments are regulated by development standards, which are maintained through Policy 1.E.4 and require that density be based on surrounding conditions, including the relationship of the development to surrounding land use.

Policy 1.B.3 and Implementation Program 1.B.g would require new commercial development to minimize the visual impact of parking on public views through screening. This would limit the visual effects of parking where commercial areas are located within the viewshed of designated scenic roadways. In addition, Policy 1.F.3 would encourage commercial development to maintain an aesthetic that is consistent with the style of historic structures in the community. Implementation Program 1.F.c would establish design guidelines for new commercial development in communities desiring design review. Implementation Program 1.F.d would encourage street frontages in historic communities to reflect the historic character and ambiance. Policy 1.F.4 would encourage commercial development to be designed in a style that reflects the County's indigenous materials or is compatible with historic design features. Many of the policies and implementation programs encourage consistency with the historic community character without establishing County-wide policy requirements. With the exception of the parking policy, such specific requirements would be addressed at the community level through existing and future design guidelines established under

Implementation Program 1.F.c. Similarly, Policies 1.G.4 and 1.G.5 encourage the screening of parking associated with new industrial areas and the establishment of design guidelines for new industrial development in or immediately adjacent to historic communities. Implementation Program 16.A.h would regulate the size, quantity, and location of signage in commercial and industrial portions of the County.

As stated above, the General Plan Update also includes policies and implementation programs that promote the overall conservation of natural scenic resources in the Natural Resources Element. Policy 16.A.3 is specific to conserving the quality of hillside and hilltops, Implementation Programs 16.A.e and 16.A.g encourage minimization of grading and designing development to blend with the natural contour of the land, and Implementation Program 16.A.f would maintain the hillside development guidelines that provide recommendations for developing on hillsides. Policy 16.A.6 and Implementation Programs 16.A.k through 16.A.m protect trees through existing ordinances and the creation of a Heritage Tree Program. Policy 16.A.2 in the Natural Resources Element would conserve the character and scenic quality along scenic routes through Implementation Programs 16.A.b and 16.A.d, which include land restrictions and guidelines that recommend ways that development can be integrated into the existing environment.

In addition, the County would support the efforts of communities that desire to promote compatibility of new development with their historical character through the development of design guidelines or other means. Five communities—Columbia, Jamestown, Tuolumne, Twain Harte, and East Sonora—also have existing design guidelines that are intended to conserve the County’s rural character, scenic built environment, natural environment, and cultural resources. For future discretionary entitlements in these communities, design review would be implemented on a project-by-project basis as required by the individual Community Plans.

As illustrated above, projected development under the General Plan Update would not substantially alter community character or quality. The General Plan Update policies and implementation programs would guide growth to identified communities and preserve natural areas, while largely maintaining consistency with the visual character of identified communities through policies related to preservation of historic structures and preserving aesthetic quality through policies related to parking and signage. Impacts would be **less than significant**.

Mitigation Measures

No mitigation is required.

Impact 3.1-3: New Substantial Light or Glare That Would Adversely Affect Daytime or Nighttime Views

The General Plan Update would facilitate development that would introduce new sources of light and glare, which would increase overall ambient nighttime light and daytime glare from building materials. Dark sky standards for the communities of Tuolumne and Jamestown would minimize light spillover and glare in those planning areas, and the General Plan Update includes standards for light and glare in other identified communities. Impacts to existing development would be **less than significant**.

The General Plan Update would facilitate development that would increase the ambient nighttime lighting within unincorporated areas of the County. New residential, mixed-use, and other types of development would generate increased lighting and glare, especially within the identified communities where future development would be expected to be concentrated.

Nighttime lighting levels would increase incrementally with future projects in developed areas. New light sources would include new residential developments, street lighting, parking lot lights, and security-related lighting for nonresidential uses. These new light sources could result in adverse effects to adjacent land uses through the “spilling over” of light into these areas and “sky glow” conditions. In addition, implementation of the General Plan Update would result in intensified nighttime lighting levels associated with increased traffic volumes and further residential and commercial development. Daytime glare could be produced by the increase in commercial, industrial, and residential structures, which could reflect sunlight.

Light dissipates with increased distance from the source. By encouraging growth inside of the identified communities instead of in other areas of the County, the General Plan Update would likely reduce potential development, and related new light and glare, in rural areas that have relatively dark nighttime skies. General Plan Update policies and implementation programs also would minimize these impacts. In the updated Natural Resources Element, Policy 16.A.4 calls for the County to work with those communities that wish to establish design guidelines for new development, which should address lighting among other aesthetic considerations. Policy 1.B.5 would require that new development shield or hood new light, and that new sources of light are directed away from sensitive uses. In addition, the Community Plans for Tuolumne and Jamestown include policies intended to minimize and avoid light pollution. New development would also be consistent with the California Energy Commission's Building Energy Efficiency Standards for outdoor lighting that limit the intensity of lights installed in new developments.

Light sources that are directed to illuminate specific areas are less likely to spill over onto other areas. The design of new development would be required to comply with relevant General Plan policies and attendant building code requirements.

Special events allowed as part of the County's proposed expanded agritourism policies and Ordinance Code could potentially include nighttime lighting on properties designated and zoned for agricultural use; however, the proposed Title 17 text includes standards for these events that would require lighting be limited only to the level necessary to provide safety and that lighting be low-level, low-intensity, and directed downward to avoid creating glare for residents and passing motorists. Also, events would be limited to 40 per year or fewer depending on the zoning, and outdoor events would be limited to the hours of 10:00 a.m. and 10:00 p.m. Therefore, the lighting would only be periodic and would not occur late into the night. Lighting associated with special events would not substantially affect nighttime views.

Through incorporation of policies specifically designed to regulate lighting style, as well as more comprehensive design guidelines at the community level, the implementation of the General Plan Update would have a **less-than-significant** impact on light and glare conditions.

Mitigation Measures

No mitigation is required.

3.2 AGRICULTURAL AND FOREST RESOURCES

This section contains an analysis of the potential environmental impacts of projected development under the General Plan Update related to agricultural and forest resources. Several public comments related to agricultural resources were provided in response to the Draft EIR. These related primarily to conservation easements and potential impacts related to agritourism.

3.2.1 Environmental Setting

California agriculture ranks first in the nation in productivity, and its 76,700 farms and ranches received \$46.04 billion for their products in 2016 (California Department of Food and Agriculture 2017). California produces over 400 commodities and nearly half of all U.S. grown fruits, nuts, and vegetables on its 25.5 million acres of farmland.

COUNTYWIDE AGRICULTURAL RESOURCES

California Department of Conservation, Farmland Mapping and Monitoring Program

Typically, agricultural land is considered under CEQA in terms of its designation as Important Farmland under the Farmland Mapping and Monitoring Program (FMMP), which is maintained by the California Department of Conservation (DOC). The FMMP defines “Important Farmland” as Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, based on soil conditions. Agricultural land under the FMMP is rated according to soil quality and irrigation status. The maps are updated every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance. Mapping pursuant to the FMMP has not been prepared for Tuolumne County (DOC 2018).

United States Department of Agriculture, Natural Resources Conservation Service

Prime farmland resources data are also maintained by the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS). NRCS prime farmland is considered to have the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses. It has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management. In Tuolumne County, this database covers only Stanislaus National Forest and Yosemite National Park and does not extend to the western foothills region.

Tuolumne County Agricultural Rating System Matrix

Tuolumne County has prepared an Agricultural Rating System Matrix (Table 3.2-1), which is used to determine the relative value of agricultural land. The Agricultural Rating System Matrix was adopted to evaluate the value of agricultural land based on the parcel size, productivity, availability of water, physical characteristics, adjacent land uses, adjacent roads, and proximity to utilities. Applications for land development projects on or adjacent to agricultural lands require use of the Rating System Matrix for the purpose of applying the policies and implementation programs contained in the Agricultural Resources Element of the Tuolumne County General Plan.

Currently, land development applications that are on or adjacent to parcels that have a General Plan land use designation of Agricultural are referred to the Agricultural Advisory Committee for review. Projects for parcels that have a land use designation other than Agricultural are referred to the Committee for review only if a change in the land use is proposed that could affect adjacent agricultural operations. The project planner for each application conducts the evaluation using the Agricultural Rating System Matrix. Once all the boxes in the matrix are circled with the corresponding information regarding the parcel being evaluated, the circled number is multiplied by the Rating Weight number. This number is then entered into the Score column. All the numbers are added up to obtain a Total at the bottom of the Score column. The maximum

Table 3.2-1 Agricultural Rating System

| Factor | Low 2 | Medium 4 | High 6 | Very High 8 | Rating Weight | Score |
|---|--|--|--|---|------------------|--|
| Production Acres (Select as many as apply) Rangeland Hay/Irrigated Pasture Orchards/Vineyards/Intensive/Specialized | <37 Ac <16 Ac <10 Ac | 37-79 Ac 16-36 Ac 10-19 Ac | 80-300 Ac 37-79 Ac 20-37 Ac | >300 Ac >79 Ac >37 Ac | 8 | (maximum total score of 64 using maximum factor score of 8 multiplied by rating weight of 8) |
| Long Term Ag Use (based on soil type) | UNSUITED TO LOW | LOW-MEDIUM | MEDIUM | MEDIUM-HIGH | 2 | (maximum score of 16) |
| Water Availability Natural Water | None | Intermittent stream | Pond or spring | Perennial stream | 2 | (maximum score of 16) |
| Developed Water | None | Groundwater or stock pond | Reservoir | Contracted water* | 4 | (maximum score of 32) |
| Physical Characteristics Terrain | Steep terrain prevalent, slopes greater than 30 percent | Some steep terrain, slopes range from 20-30 percent | Gentle to rolling terrain, slopes range from 10-20 percent | Level to gentle terrain, slopes range from nearly level to 10 percent | 2 | (maximum score of 16) |
| Natural Vegetation | Significant northern aspects. vegetation exemplified by chamise and manzanita. | Some northern aspects. vegetation exemplified by Live Oaks. | Mostly southern or western aspect. Vegetation exemplified by Blue Oaks, Annual Grassland | Vegetation exemplified by Blue Oaks /Valley Oaks, annual grassland. | 2 | (maximum score of 16) |
| Adjacent Use Number of non-agricultural or non-open space parcels adjacent (does not include RE-10 for purposes of this matrix). | >4 | 3-4 | 1-2 | None | 4 | (maximum score of 32) |
| Number of agricultural parcels adjacent (includes A-10, A-20, A-E, and TPZ) | None | 1-2 | 3-4 | >4 | 4 | (maximum score of 32) |
| Adjacent Roads | Arterial road | Collector road | Local road | None | 2 | (maximum score of 16) |
| Public Services (available for development) | All Public Services available (potable water, sewer and power at site) | Most Public Services available (potable water and power at site) | Public Services difficult to access (power only at site) | Public Services generally not available. | 4 | (maximum score of 32) |

Note: This matrix contains updates from the 1996 General Plan and is part of the General Plan Update.

* e.g., Tuolumne Utilities District Ditch System, Pacific Gas and Electric Company Ditch System, Hetch Hetchy, effluent.

possible score is 240 points. Additional notes can be added such as “intermittent stream on the site,” “stock pond,” “site contains 10 acres of vineyards,” etc.

The Total Score indicates the relative value of the land as follows:

- ▲ High-value Agricultural Lands are those parcels that 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 receive a score of 124 or lower as determined by the Agricultural Rating System Matrix.

The final determination of the value of the agricultural land being rated can be added to the Notes section of the Agricultural Rating System Matrix.

Production Value

The value of agricultural commodities produced in Tuolumne County was estimated at approximately \$35.4 million in 2016, the latest year for which data are available (Tuolumne County Department of Agriculture 2017). Between 2005 and 2017, the annual value of agricultural commodities has ranged from approximately \$20 million to nearly \$40 million. Table 3.2-2 summarizes agricultural revenue by type of agricultural product in Tuolumne County for the year 2016.

Table 3.2-2 Tuolumne County 2016 Agricultural Value Summary

| Category | Total Gross Values |
|--------------------------------|---------------------|
| Livestock and Poultry | \$22,644,000 |
| Timber | \$7,737,000 |
| Field Crops | \$4,007,000 |
| Fruit and Vegetables | \$535,000 |
| Apiary and Nursery | \$373,000 |
| Livestock and Poultry Products | \$145,000 |
| Total | \$35,440,000 |

Source: Tuolumne County Department of Agriculture 2017

Yearly changes in environmental conditions can affect agricultural productivity. Two major environmental events, the Rim Fire in the summer of 2013 and an ongoing drought, have played substantial roles in Tuolumne County production values (Tuolumne County Department of Agriculture 2013). The Rim Fire burned thousands of acres of summer grazing range, while the drought reduced forage production on rangeland.

Designated Agricultural Land Acreage and Lands with Existing Agricultural Use

Currently 156,277 acres in unincorporated Tuolumne County are designated as Agricultural land, which accounts for approximately 10 percent of total land in the County. Not all lands that have a general plan designation of Agricultural are in active agricultural use.

Agricultural uses, such as general farming and ranching, also occur on lands that are not designated Agricultural because the existing General Plan allows agricultural use for land use designations other than Agriculture, such as Rural Residential (RR) and Homestead Residential (HR). Approximately 120,083 acres are currently enrolled in Williamson Act contracts (DOC 2016), 5,379 acres of which have filed non-renewal notices, and 131,313 acres are located within designated Agricultural Preserves. The Williamson Act, the County Agricultural Preserves, and Agricultural Preserve Combining Districts are discussed in greater detail below in Section 3.2.2, “Regulatory Setting.”

Although the exact number of acres that are in agricultural use is not known, it is reasonable to assume for purposes of establishing a CEQA baseline that agricultural use exists on no more than 156,277 acres in the County. This assumption is based on the following: (a) some amount less than 156,277 acres of Agricultural-designated lands are actually in agricultural use; (b) in 2012, landowners of less than 88,000 acres, with various land use designations, self-identified as producing income from agricultural operations; (c) approximately 120,000 acres of agricultural lands are protected in Williamson Act contracts; (d) agricultural use is not allowed on lands designated Public lands, which comprise approximately 77 percent of all lands in the County; and (e) County staff's experience with processing applications for land use approvals.

Agritourism Operations

Tuolumne County has a growing agritourism industry, with agritourism operations in the County primarily centered on animal products and activities, followed by event venues, apple production, Christmas tree production, wine production, and beer production. The County's expert consultant prepared a study to document historic economic and market forces that have shaped agritourism in the County and to provide a range of estimated outcomes for the future number of agritourism operations that coincide with the County's General Plan Update and related proposed zoning revisions. The study indicates that agritourism business has been expanding in the County, increasing from one in 2002 to 18 operations in 2012 (based on USDA Census of Agricultural data) and 26 operations in 2018 (based on an inventory conducted in June 2018). Countywide, approximately 4.6 percent of farms currently operate agritourism businesses (Lisa Wise Consulting 2018). This is a trend that has manifested in many agricultural areas of the state and is likely a byproduct of farmers seeking added revenue to enhance the viability of their agricultural operations. See Impact 3.2-4 for additional discussion related to this study.

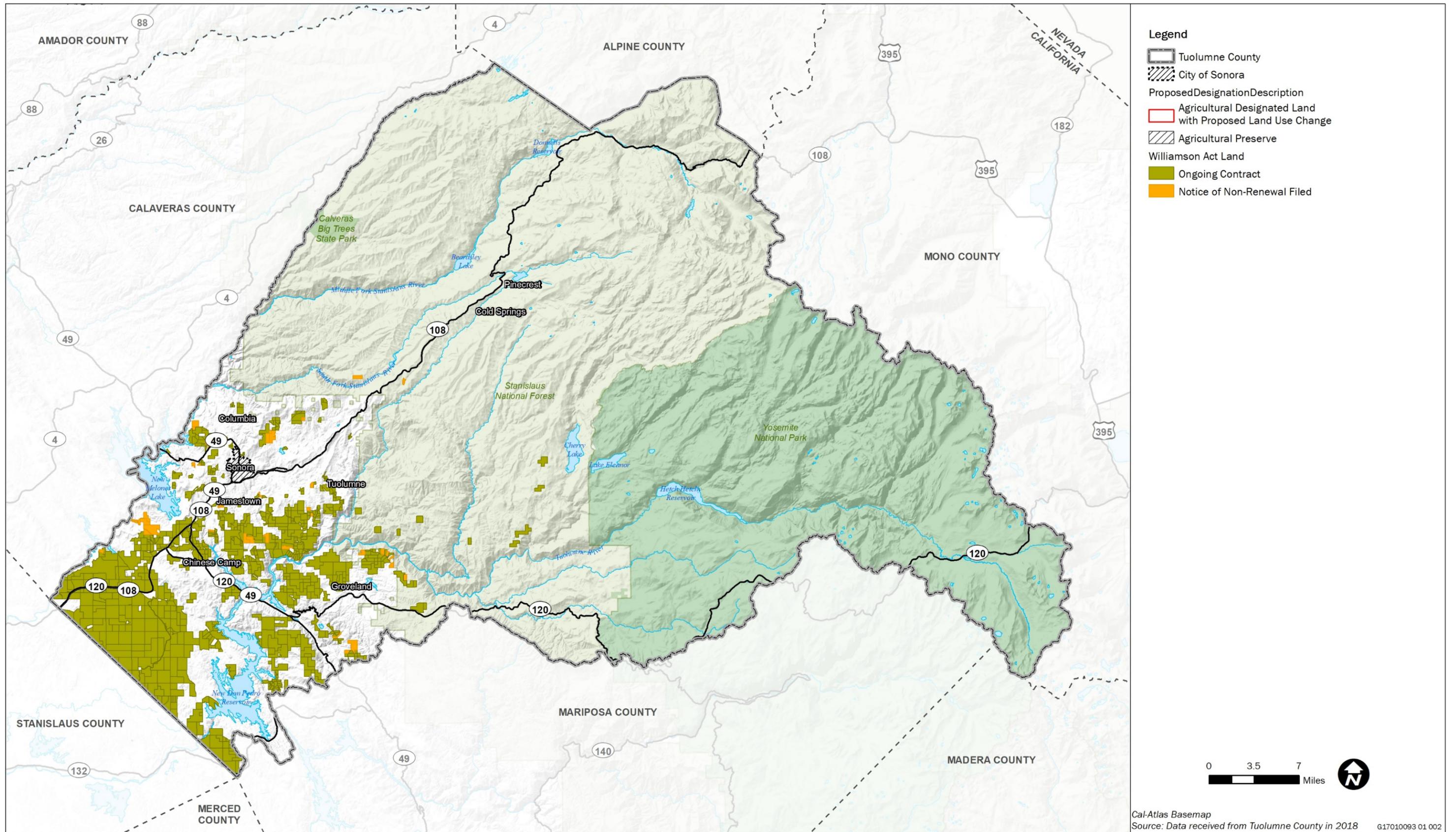
Conversion of Agricultural Land

Rising land values and cost of inputs (e.g., water, fuel, fertilizer) have contributed to an increase in the conversion of agricultural land to non-agricultural uses throughout California as well as the intensification of agricultural land uses, whereby lower value products are replaced by high-value crops (e.g., grazing or dry farming replaced with row crops, orchards, or vineyards). Since 1984, nearly 1.4 million acres of agricultural land in California have been converted to non-agricultural purposes (DOC 2014:4). From the 2006–2008 reporting period to the 2008–2010 period, the rate of conversion slowed from 203,000 acres (DOC 2011, Table C-3:78) to 168,000 acres statewide (DOC 2014, Table C-3:83). Because the DOC does not maintain data on the acreage of farmland in Tuolumne County, it is not possible to accurately evaluate County-wide trends in the conversion of important farmland. NRCS also maintains a national soils database on the Web Soils Survey, which catalogues indices of soil quality such as prime farmland and Capability Class; in Tuolumne County, however, this database covers only Stanislaus National Forest and Yosemite National Park and does not extend to the western foothills region. A comprehensive soil survey for Tuolumne County is not available.

FOREST RESOURCES

Tuolumne County is home to a variety of hardwood, coniferous, and mixed woodlands and forests (Exhibit 3.4-1). The following are those types of tree-dominated habitats that occur within Tuolumne County. Descriptions of these habitat types can be found in Appendix B.

- ▲ Aspen Forest
- ▲ Blue Oak-Foothill Pine Woodland
- ▲ Blue Oak Woodland
- ▲ Closed-Cone Pine-Cypress Forest
- ▲ Douglas Fir Forest
- ▲ Eastside Pine Forest
- ▲ Jeffrey Pine Forest
- ▲ Juniper Woodland
- ▲ Lodgepole Pine Forest
- ▲ Montane Hardwood Forest
- ▲ Montane Riparian Forest
- ▲ Valley Oak Woodland
- ▲ Montane Hardwood-Coniferous Forest
- ▲ Pinyon-Juniper Woodland
- ▲ Ponderosa Pine Forest
- ▲ Red Fir Forest
- ▲ Sierran Mixed Conifer Forest
- ▲ Subalpine Conifer Forest
- ▲ White Fir Forest



- Legend**
- Tuolumne County
 - City of Sonora
 - ProposedDesignationDescription**
 - Agricultural Designated Land with Proposed Land Use Change
 - Agricultural Preserve
 - Williamson Act Land**
 - Ongoing Contract
 - Notice of Non-Renewal Filed



Cal-Atlas Basemap
 Source: Data received from Tuolumne County in 2018 G17010093 01 002

Exhibit 3.2-1

Williamson Act Contract Lands



The County contains approximately 690,000 acres of conifer forest/woodland, 231,000 acres of hardwood forest/woodland, and 53,000 acres of mixed conifer and hardwood forest and woodlands. The impact related to conversion of oak woodland is discussed in Section 3.4, “Biological Resources.” There is no specific land use designation for forest land in Tuolumne County.

Tuolumne County designates areas as Timber Production (which are consistent with Timber Production Zones [TPZs]) in areas where the growing and harvesting of timber and other forest products occur in concert with limited, low-intensity public and private commercial recreational uses. The Timber Production designation is found primarily in the eastern portion of the County at elevations above 3,000 feet. Land designated Timber Production is interspersed with federally owned land within the Stanislaus National Forest and Yosemite National Park. Geographic information system data indicate that 87,043 acres of Timber Production land are located within the County. Exhibit 2-2 shows areas currently designated Timber Production.

3.2.2 Regulatory Setting

FEDERAL

No federal regulations apply to the General Plan Update as it relates to agriculture and forest resources.

STATE

California Land Conservation Act

The California Land Conservation Act of 1965 (Government Code Section 51200 et seq.), commonly known as the Williamson Act, provides a tax incentive for the voluntary enrollment of agricultural and open space lands in contracts between local government and landowners. The Act allows local governments to assess agricultural land based on the income-producing value of the property, rather than the “highest and best use” value, which had previously been the rule. The contract enforceably restricts the land to agricultural and open space uses and compatible uses defined in state law and local ordinances. An agricultural preserve, which is established by local government, defines the boundary of an area within which a city or county will enter into contracts with landowners. Local governments calculate the property tax assessment based on the actual use of the land instead of the potential land value assuming full development.

Terms of Williamson Act contracts are 10 years and longer, as established by each county. Tuolumne County contracts provide for a 10-year term. The contract is automatically renewed each year, maintaining a constant 10-year contract, unless the landowner or local government files to initiate nonrenewal. A “notice of nonrenewal” starts the 9-year nonrenewal period. During the nonrenewal process, the annual tax assessment gradually increases. At the end of the 9-year nonrenewal period, the contract is terminated. Only a landowner can petition for a contract cancellation. Tentative contract cancellations can be approved only after a local government makes specific findings and determines the cancellation fee to be paid by the landowner.

The State of California has the following policies regarding public acquisition of, and locating public improvements on, lands in agricultural preserves and on lands under Williamson Act contracts (Government Code Sections 51290–51295):

- ▲ State policy is to avoid locating federal, state, or local public improvements and improvements of public utilities, and the acquisition of land in agricultural preserves.
- ▲ State policy is to locate public improvements that are in agricultural preserves on land other than land under Williamson Act contract.

- State policy is that any agency or entity proposing to locate such an improvement, in considering the relative costs of parcels of land and the development of improvements, give consideration to the value to the public of land, particularly prime agricultural land, in an agricultural preserve.

Since 1998, another option in the Williamson Act Program has been established with the creation of Farmland Security Zone contracts (Government Code Section 51296 et seq.). A Farmland Security Zone is an area created within an agricultural preserve by a board of supervisors upon the request of a landowner or group of landowners. Farmland Security Zone contracts offer landowners greater property tax reduction and have a minimum initial term of 20 years. Like Williamson Act contracts, Farmland Security Zone contracts renew annually unless a notice of nonrenewal is filed.

State funding was provided in 1971 by the Open Space Subvention Act (Government Code Section 16140 et seq.), which created a formula for allocating annual payments to local governments based on acreage enrolled in the Williamson Act Program. Subvention payments were made through fiscal year 2009, but have been suspended in more recent years because of revenue shortfalls. Properties in the County under Williamson Act contract, including those properties for which non-renewal has been filed, are shown in Exhibit 3.2-1.

Assembly Bill 1265 of 2011

Assembly Bill 1265 (Chapter 90, Statutes of 2011) was approved in the summer of 2011 and essentially reinstated parts of the Williamson Act, Revenue & Tax Code, and Open Space and Subvention Act that allowed eligible counties to recapture 10 percent of the property tax benefits provided to their owners of Williamson Act lands by decreasing the duration of the Land Conservation Act and Farmland Security Zone contracts by 1 and 2 years, respectively. Senate Bill 1353 (Chapter 322, Statutes of 2014), approved by the Governor on September 15, 2014, eliminates the January 1, 2016, sunset clause and makes the option for participating counties to recapture portions of foregone tax revenue permanent.

FOREST PRACTICE ACT

The California Department of Forestry and Fire Protection enforces the laws that regulate logging on privately owned lands in California. These laws are found in the Z'berg-Nejedly Forest Practice Act of 1973 (Public Resources Code Section 4511 et seq.), which was enacted to ensure logging is done in a manner that will protect natural resources. The removal of commercial timber species from areas of pending new construction, and from the area around existing structures, is included in these regulations. In Tuolumne County, commercial timber species includes Ponderosa Pine, Jeffrey Pine, Sugar Pine, Western White Pine, White Fir, Red Fir, Douglas Fir, Lodgepole Pine, and Incense Cedar.

LOCAL

Right to Farm Ordinance

Where non-agricultural land uses, especially residential development, occur adjacent to agricultural areas, agricultural operations may become the subject of nuisance complaints. Tuolumne County's "Right to Farm Ordinance," located in Chapter 5.20 of the Ordinance Code, is intended to reduce the loss of agricultural resources by limiting the circumstances under which agricultural operations may be considered a nuisance.

Further, the Right to Farm Ordinance is intended to promote a "good neighbor policy" between agriculturalists and residents by advising purchasers and residents of nearby property of inherent potential problems such as sounds, odors, dust, and chemicals from agricultural operations. Neighbors also are notified that they should be prepared to accept such inconveniences or discomforts as a normal and necessary aspect of living in a county with a strong rural character and a healthy agricultural sector.

Agricultural Preserves and Agricultural Preserve Combining District

The purpose of Agricultural Preserves and the Agricultural Preserve (AP) Combining District is to implement the provisions of the Williamson Act, discussed above under “California Land Conservation Act.” This district is intended 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. For a parcel to be zoned under the AP District, it must meet the requirements for inclusion in an agricultural preserve or qualify for a land conservation (Williamson Act) contract subject to approval by the Board of Supervisors.

Tuolumne County General Plan

The 1996 General Plan provides a framework for addressing issues related to agricultural resources in the County. As the proposed project would update the 1996 General Plan, this document will be discussed in the context of the update within the impact analysis. The Agriculture Element and Managed Resources Element contain goals, policies, and implementation programs that would conserve agricultural and timber production land and protect agricultural and timber harvest operations. Specific policies and implementation programs are identified in Section 3.2.3, “Impact Analysis.”

3.2.3 Impact Analysis

METHODS OF ANALYSIS

This section evaluates the potential for impacts to agricultural land based on consideration of existing regulations that pertain to its identification, consideration of the proposed land use map, and policies included in the General Plan Update.

Important Farmland is primarily found within California’s Central Valley, where optimal soil quality, growing season, moisture supply, and irrigation are available. These conditions are not typical in Tuolumne County, where rock outcroppings and thinner soil mantles are common, and land designated for agricultural use is primarily used as grazing lands. No NCRS or FMMP farmland data are available for land within the County (Tuolumne County is one of 11 of the 58 counties in the state that are not mapped); no other sources of comprehensive data similar to these resources are available to determine farmland quality in the County. Therefore, an accurate assessment of land that may be considered Important Farmland, as defined by Appendix G of the CEQA Guidelines, is not possible. However, in areas of the state covered by the FMMP, grazing land is identified as its own category, and is not included in land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (collectively referred to as Important Farmland). Important Farmland is generally used for irrigated crops. According to the County’s 2016 Crop and Livestock Report, there are 269 acres of reported fruit and vegetable crops in the County, and 1,400 acres of reported field crops (Tuolumne County 2016). For reference, Mariposa County (which is located adjacent to Tuolumne County to the south; has an east-to-west geographical position similar to Tuolumne County’s; and has similar climate, elevation profile, and topography) includes less than 300 acres of Important Farmland County-wide (outside of Yosemite National Park) with fewer than 20 acres classified as Prime Farmland (DOC 2018). It is thus unlikely that substantial acreage of land that would qualify as Important Farmland, as defined by the FMMP, is present in the County.

Regardless, Tuolumne County has developed the Agricultural Rating System Matrix, which is used by the Board of Supervisors to evaluate the relative value of agricultural land in the County. Because the state has not defined Important Farmland in Tuolumne County, and because CEQA allows public agencies to define their own thresholds of significance, this impact analysis considers the effects on agricultural land in terms of a parcel’s score summed from the Agricultural Rating System Matrix. Note that the threshold of significance that typically addresses FMMP Important Farmland in Appendix G of the CEQA Guidelines has been modified for this EIR to consider High-Value Agricultural Land.

THRESHOLDS OF SIGNIFICANCE

The thresholds of significance listed below are based upon the environmental checklist in Appendix G of the CEQA Guidelines as modified by Tuolumne County's definition of high-value farmland (see above). An impact is considered significant if physical changes that could be facilitated by implementation of the General Plan Update would result in one or more of the following conditions:

- ▲ result in a change of rating from High-Value Agricultural Lands to Agricultural Lands of Local Importance or Limited Importance, using Tuolumne County's Agricultural Rating System;
- ▲ conflict with existing zoning for agricultural use or a Williamson Act contract;
- ▲ 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));
- ▲ result in the loss of forest land or conversion of forest land to non-forest use; and/or
- ▲ involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

This section also addresses potential land use conflicts between community (i.e., residential, commercial, and industrial) and agricultural uses.

GENERAL PLAN UPDATE POLICIES

The following policies and implementation programs from the General Plan Update are applicable to the evaluation of effects related to agriculture and forest resources:

Community Development and Design Element

- ▲ **Policy 1.B.1:** Protect existing land uses from the infringement of and impacts associated with incompatible land uses.
 - 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.
 - Implementation Program 1.B.b: Designate, where possible, land around existing residential neighborhoods for uses that are compatible with residences. Designate areas for new urban residential development away from existing incompatible land uses, such as agriculture, mining, industry, solid waste facilities, airports and sewage treatment facilities.
 - Implementation Program 1.B.c: Separate new urban residential development from land uses that potentially conflict with housing, such as agriculture, mining, industry, airports and sewage treatment facilities.

Managed Resources Element

- ▲ **Policy 7.A.1:** Encourage the conservation and management of timberlands through incentive programs while conforming with California forest practice law.
 - **Implementation Program 7.A.a:** Encourage retention of existing, and management of new timberlands by continuing to provide tax incentives to timberland owners, such as TPZ zoning or

Williamson Act land conservation contracts, or other State or Federal incentive programs that may be offered to conserve timberlands.

- **Implementation Program 7.A.b:** Encourage owners of timberlands which do not qualify for property tax incentives, such as Timberland Production (TPZ) zoning, to continue timber production through such incentives as recognition programs, or other local, State or Federal incentive programs that may become available.
- ▲ **Policy 7.A.2:** Minimize the potential for conflicts between timberland and non-timber related uses.
 - **Implementation Program 7.A.c:** Encourage the siting of proposed residential development (HDR, MDR, LDR and MU land use designations) on land that is not adjacent to commercial timberlands.
 - **Implementation Program 7.A.d:** Reduce potential conflicts between timber management activities and non-timber related land uses by discouraging the development of new non-timberland uses on land adjacent to commercial timberlands. Allow flexibility in development regulations so that the overall density of the proposed development project can be concentrated in the portion of the parcel away from the timberland boundary.
 - **Implementation Program 7.A.e:** Maintain Chapter 5.20 of the Tuolumne County Ordinance Code, the Right to Farm Ordinance, so that it clearly includes timber management and harvesting activities within protected agricultural uses, in order to protect these timber activities, as well as the growing of timber.
 1. Maintain the “management and harvesting of timber” as an agricultural use in Section 5.20.030 to prohibit an existing timber management activity from being declared a nuisance when land uses in the surrounding areas change and a conflict arises.
 2. Maintain the “management and harvesting of timber” as an agricultural use in Section 5.20.040 to require a notice to purchasers of real property filing any grant deed or land sale contract with the County Recorder that discloses the potential for timber management activities in their area, and that normal timber practices may involve operations that inconvenience local residents or generate dust, smoke, noise, lawful and proper use of chemical pesticides and herbicides, and truck traffic, and that adjacent landowners should be prepared to accept such inconveniences or discomforts as a normal and necessary aspect of living in Tuolumne County which has a strong rural character and a healthy timber sector.
 3. Maintain the grievance procedures in Chapter 5.20 of the Tuolumne County Ordinance.
- ▲ **Policy 7.A.3:** Encourage well planned timber related uses in commercial timberland areas.
 - **Implementation Program 7.A.f:** Consider expanding the permitted uses in the Timberland Production (TPZ) zoning district and agricultural zoning districts to include facilities which are integrally related to the growing, harvesting and processing of forest products.
 - **Implementation Program 7.A.g:** Consider expanding the conditionally permitted uses in the Timberland Production (TPZ) zoning district, and agricultural zoning districts to include timber support services or timber compatible uses.
 - **Implementation Program 7.A.h:** Develop programs that encourage enhanced carbon storage in forests, use of durable wood products, and use of wood biomass for energy, while maintaining healthy forest ecosystems.

Agriculture Element

- ▲ **Policy 8.A.1:** Avoid the conversion of agricultural lands from the Agricultural General Plan land use designation and compatible zonings.
 - **Implementation Program 8.A.a:** Encourage the protection of agricultural lands through programs such as the voluntary purchase of development rights. This could be accomplished by establishing a conservation easement on the land. The easement could take the form of a deed restriction or be placed in a trust a specific period of time or in perpetuity.
- ▲ **Policy 8.A.2:** Exempt the following agricultural lands from Policies 8.A.1, 8.A.3 and 8.A.4:
 - Areas of land designated Agricultural that are less than 160 acres in size and are surrounded by land designated other than Agricultural or Public that is managed for open space uses. These areas may contain more than one parcel and ownership of the parcels may be by different owners.
 - Parcels that meet all of the following criteria: (1) the parcel is less than 80 acres in area; (2) the parcel is located within 500 feet of a public water main; and (3) 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.

These agricultural lands may be converted from Agricultural to an appropriate land use designation as determined by the Board of Supervisors.

- ▲ **Policy 8.A.3:** Grant exceptions to Policy 8.A.1 regarding conversion of agricultural land only 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.
 - **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.
 - **Implementation Program 8.A.c:** Utilize the Agricultural Rating System matrix only to evaluate applications proposing exceptions to Policy 8.A.2.
 - 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 receive a score of 124 or lower as determined by the Agricultural Rating System Matrix.
- ▲ **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-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 if such a reduction is determined appropriate based upon the topography, vegetation, roads or other physical features of the buffer area or other factors considered by the Committee. If the General Plan land use designation of the adjacent land is amended in the future to a designation other than Agricultural, the need for the buffer area will be eliminated and the land use restrictions imposed pursuant to this Policy will cease at that time.

- ▲ **Policy 8.B.1:** Limit intrusion of urban development into agricultural areas.
 - **Implementation Program 8.B.a:** Make one of the following findings before approving expansion of identified community boundaries established on the General Plan land use diagrams:
 - (a) the proposed development would not result in reduced productivity or increased costs of an agricultural operation;
 - (b) the proposed development would not contribute to the deterioration of the rural setting, agricultural landscape, and operation practices of the adjacent agricultural areas; or
 - (c) the community's need for the development in the proposed location is so important as to justify an exception to the policies and implementation programs contained within this Element.
- ▲ **Policy 8.B.2:** Protect and encourage productive use of valuable agricultural lands and areas that provide buffers between identified communities.
- ▲ **Policy 8.B.3:** Reduce economic pressure for conversion of agricultural land.
 - **Implementation Program 8.B.b:** Allow uses accessory or complementary to agricultural operations as permitted or conditional uses in order to make agricultural operations more profitable and reduce pressure to convert agricultural land.
- ▲ **Policy 8.B.4:** Limit the intrusion of growth-inducing public services, such as public sewer systems and potable public water, into agricultural areas.
- ▲ **Policy 8.B.5:** Encourage development of non-agricultural lands before development of land designated Agricultural by the General Plan land use diagrams.
- ▲ **Policy 8.B.6:** Refer applications for discretionary land use entitlements submitted to the Community Resources Agency 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.
- ▲ **Policy 8.C.1:** Allow agriculturalists to manage their operations in an efficient, economic manner while minimizing conflict with non-agricultural uses.
 - **Implementation Program 8.C.a:** Apply the provisions of the "Right to Farm" Ordinance (Tuolumne County Ordinance Code, Chapter 5.20) to minimize conflict and resolve disputes between agricultural operations and nearby non-agricultural land uses.
 - **Implementation Program 8.C.b:** Minimize impacts to existing agricultural operations or use and resolve potential conflicts between agricultural operations and new development through conditions of approval made a part of such new development.
 - **Implementation Program 8.C.c:** Require that maintenance of preexisting common fence lines be the joint responsibility of the existing agricultural use and adjacent new development through conditions of approval made a part of such new development.
- ▲ **Policy 8.C.2:** Establish a buffer between agricultural land uses and residential/non-agricultural land uses. It shall be the obligation of the party seeking the land use change to ensure that a sufficient buffer is established between the parcels. The buffer shall favor protection of the agricultural land.

acres to NC, to reflect the current zoning on those properties. Generally, parcels that would be re-designated from Agricultural to residential or commercial uses would be located within or adjacent to existing communities and therefore, if developed, would tend to channel growth toward identified communities and away from rural areas.

The General Plan Update contains policies to limit development in agricultural areas (Policy 8.B.1). These policies include limitations on expansion of public services, such as water and sewer systems into agricultural areas (Policy 8.B.4), and encourage development of non-agricultural lands before development of lands used for agricultural purposes (Policy 8.B.5). Policy 8.B.1 would limit intrusion of urban development into agricultural areas, and Implementation Program 8.B.a requires the County to make findings prior to approving expansion of identified community boundaries, that productivity would not decrease or cost increase and that the development would not contribute to deterioration of the rural setting or agricultural landscape. In addition, policies included in the General Plan Update would generally require that a 200-foot-wide buffer is maintained between proposed developments and agricultural lands (Policies 8.A.4, 8.B.2, and 8.C.2). These policies would minimize the potential for indirect conversion of agricultural lands that could result from creating land use conflicts and nuisance issues (between agricultural operators and residents) and also from increased development pressure resulting from increased property value. Policy 8.A.4 provides a process for the buffer to be reduced by the Board of Supervisors after considering the recommendation of the Agricultural Advisory Committee. However, appropriate requests, per Policy 8.A.4, would be based on factors such as topography, vegetation, roads or other physical features of the buffer area or other factors and would thus be limited.

The proposed project also includes amendments to Title 17 of the Tuolumne County Ordinance Code, consistent with Policies 8.E.1 through 8.E.3 in the Agriculture Element, which would expand the range of economic activities allowed on land zoned for agriculture. These amendments would allow agritourism activities that complement local agricultural production and special events that are “accessory to the agricultural use of the land.” This would not convert agricultural lands to non-agricultural uses. Rather, the intent is to increase economic viability of agricultural land by adding additional economic activity that is based on agriculture, and thereby reduce the pressure to convert the land to an otherwise more profitable non-agricultural use.

As discussed above, the General Plan Update would re-designate 4,509 acres of land from Agricultural to residential or commercial use. Some of these properties have long been zoned for residential or commercial uses, even though the General Plan land use map has designated them for Agriculture. Some of these parcels may be rated as High-Value Agricultural Land, once they are evaluated under the Tuolumne County Agricultural Rating System Matrix. The General Plan Update contains policies that are protective of agricultural land and limit the potential for future pressure of conversion of agricultural land to non-agricultural uses, as described above. Even though many of these parcels are already zoned for non-agricultural development, changing the General Plan land use designation from an agricultural use to residential or commercial use would remove barriers to conversion of agricultural land to non-agricultural uses. If developed with a non-agricultural use, this could reduce the value of some farmland under the Agricultural Rating System Matrix from High-Value Agricultural Land to Agricultural Lands of Local Importance or Limited Importance. This could occur through development of parcels previously designated for Agriculture, or through actions that would change value factors, such as provision for public services (e.g., potable water, sewer, power), changes to parcel size, or construction of adjacent roadways. Because the quantity and location of potential High-Value Agricultural Land is currently unknown based on readily available data, the extent of the potential conversion cannot be determined at this time. The loss of High-Value Agricultural Land would be a **significant** impact.

Mitigation Measures

Mitigation Measure 3.2-1: Evaluate Land Using Tuolumne County’s Agricultural Rating System Matrix and Conserve High-Value Agricultural Land at a 1:1 Ratio

The County will include the following as a new implementation program of the General Plan Update.

Implementation Program 8.A.x [Specific numbering to be provided with Final General Plan Update]: Establish a new procedure for evaluating development on lands with an Agricultural land use designation that includes the following requirements:

For any proposed non-agricultural development on land designated Agricultural (according to the land use diagram in the General Plan Update), the County shall require, prior to issuing a completeness letter, the submittal to and approval by the Tuolumne County planning staff of the Tuolumne County Agricultural Rating System Matrix to determine whether the land proposed for development qualifies as High-Value Agricultural Land. If the results of the Tuolumne County Agricultural Rating System Matrix provided in Exhibit 3.2-1 of the Recirculated Draft EIR indicate that the land proposed for development does not qualify as High-Value Agricultural Land, no further action is required. If the results of the Tuolumne County Agricultural Rating System Matrix indicate that the land proposed for development does qualify as High-Value Agricultural Land, the County, consistent with Implementation Program 8.A.a, shall require the applicant to purchase agricultural conservation easements at a 1:1 ratio (acres preserved : acres converted), commensurate with the type of High-Value Agricultural Land (e.g., grazing land) that would be converted by the project. Proof of the purchase shall be provided to the County prior to issuance of grading permits.

Significance after Mitigation

Implementation of Mitigation Measure 3.2-1 would compensate for the conversion of any High-Value Agricultural Land to Agricultural Lands of Local Importance or Limited Importance. However, although compensation would prevent other existing High-Value Agricultural Land from future conversion, it would not replace the lost High-Value Agricultural Land. Therefore, this impact would be **significant and unavoidable**.

Impact 3.2-2: Conflict with Land Zoned as Forest Land, Timberland, or Timber Production Zone

Although the General Plan Update would redesignate 1,194 acres of land designated Timberland to Public Land, this change corrects a previous error in the land use map and constitutes a “paper change” with no resulting physical effect. General Plan Update policies also would protect timber resources from development. Impacts from the rezoning or loss of timber land would be **less than significant**.

The General Plan Update would channel growth toward identified communities and away from rural areas, which is intended to reduce pressure for development of productive timberland. Under the Community Development and Design Element, 85,848 acres would be designated as Timberland, a reduction of 1,194 acres (1.4 percent) from the 87,042 acres designated under the 1996 General Plan. The acreage of designated Timberland would primarily decrease because the land use map would be updated to correctly reflect lands under public ownership, the Public land use designation. This designation identifies lands that are owned by public agencies and recognizes that these lands are exempt from County land use regulations. This designation applies to lands, such as the Stanislaus National Forest, Yosemite National Park, Columbia State Historic Park, Railtown 1897 State Historic Park, and lands under the jurisdiction of the U.S. Bureau of Land Management, U.S. Bureau of Reclamation, public schools, public utilities and other public agencies, as well as the County’s own property. This decrease in acreage of land designated as Timberland reflects a correction in the land use map from Timberland to Public Land, which constitutes a “paper change” with no resulting physical effect because the underlying property ownership (along with the actual agency jurisdiction) and existing land management responsibility would not change.

Areas designated as Timber Production are consistent with TPZ lands because the growing and harvesting of timber and other forest products occurs in concert with limited, low-intensity public and private commercial recreational uses. Exhibit 3.2-2 shows areas that would be designated for timber production.

Under the General Plan Update, one parcel (under 2 acres) would be re-designated from Timberland Production (or TPZ) to Low Density Residential. The remaining 85,848 acres of designated Timberland would still be available for timber production subject to federal land management policies. Under Implementation Programs 7.A.f and 7.A.g, the County will consider expanding the permitted uses and conditionally permitted uses in the TPZ zoning district. This would allow for inclusion of facilities that are integrally related to the growing, harvesting, and processing of forest products, as well as other support services, to be zoned as TPZ. Because these uses would support and protect timber production, conflicts with TPZ lands or the Timberland Productivity Act would not likely occur.

The General Plan Update encourages the conservation and management of timberlands through incentive programs (Policy 7.A.1), including tax incentives (Implementation Program 7.A.a) and recognition programs (Implementation Program 7.A.b). For example, Implementation Program 7.A.b encourages owners of timberlands which do not qualify for property tax incentives under the Timberland Productivity Act to continue timber production through such incentives as recognition programs, or other local, State, or Federal incentive programs that may become available. Conflicts between timberland and non-timber-related uses would be minimized (Policy 7.A.2) through actions such as strategically siting residential development (Implementation Programs 7.A.c and 7.A.d) and maintaining the Right to Farm Ordinance (Implementation Program 7.A.e). In addition, the General Plan Update encourages well-planned timber-related uses in commercial timberland areas (Policy 7.A.3, Implementation Programs 7.A.f, 7.A.g, and 7.A.h).

Thus, because the General Plan Update would not decrease the availability of timber resources and would encourage conservation of timber resources, decrease conflicts between timberland and non-timber-related uses, and encourage timber-related uses in commercial timberland areas, this impact would be **less than significant**.

Mitigation Measures

No mitigation is required.

Impact 3.2-3: Conflict with Williamson Act Contracts, Agricultural Preserves, or Agricultural Preserve Overlay Districts

Future development under the General Plan Update could conflict with Williamson Act contracts and lands within agricultural preserves on some properties. If land under a Williamson Act contract is proposed for development, the property owner could either allow the contract to expire under a notice of non-renewal or obtain a cancellation. Land under agricultural preserves would need to be re-zoned to remove the County's AP Combining District or approved by the Board of Supervisors to be removed from a preserve. No development would be allowed until the Williamson Act contract is expired or cancelled and the parcel is removed from an agricultural preserve; therefore, direct conflicts with Williamson Act contracts would not occur. However, the overarching purpose of the Williamson Act is to promote voluntary farmland conservation; therefore, the redesignation of land currently under Williamson Act contracts to non-agricultural uses would constitute a conflict with the overall intent of the Williamson Act. This impact would be **significant**.

As shown in Exhibit 3.2-1, a substantial portion of western Tuolumne County is under Williamson Act contracts for the preservation of agricultural land. Properties under Williamson Act contract are generally located in rural areas, although a small number of properties occur in the vicinity of communities such as East Sonora, Jamestown, and Tuolumne. Based on the locations of Williamson Act parcels shown in Exhibit 3.2-1 and of the parcels with proposed land use changes, the General Plan Update would redesignate individual Agricultural parcels that are currently under Williamson Act contracts to residential uses. Of the 122,905 acres currently under a Williamson Act contract in the County, 134 acres would be re-designated

from agricultural land to a non-agricultural use, 63 acres of which the property owners have filed non-renewal notices.

Establishment of the agricultural preserve, under the County's AP Combining District, is a prerequisite for landowners to enter into land conservation contracts with the County. Under the General Plan Update, 1,397 acres of land in Tuolumne County are currently within an agricultural preserve that would be re-designated from Agricultural Land to a non-agricultural use. Similar to changes in land designation for parcels under Williamson Act contracts, a change in zoning would be required before development could occur on parcels zoned as an agricultural preserve. Land not meeting the requirements of the AP Combining District may be removed from an agricultural preserve upon request from the land owner and approval by the Board of Supervisors.

As discussed above under Impact 3.2-1, the General Plan Update contains various policies that are aimed to limit the conversion of agricultural lands to non-agricultural uses including limiting intrusion of urban development into agricultural areas (Policy 8.B.1); requiring findings to be made prior to approval of identified community boundary expansion that protect agricultural operations and rural/agricultural settings (Implementation Program 8.B.a); limiting expansion of public services, such as water and sewer systems into agricultural areas (Policy 8.B.4); encouraging development of non-agricultural lands before development of agricultural lands (Policy 8.B.5); and requiring of a 200-foot-wide buffer between proposed developments and agricultural lands (Policies 8.A.4, 8.B.2, and 8.C.2). Policy 8.A.4 provides a process for the buffer to be reduced by the Board of Supervisors after considering the recommendation of the Agricultural Advisory Committee. Requests, per Policy 8.A.4, would be based on topography, vegetation, roads or other physical features of the buffer area or other factors and would thus be limited. Because these policies would limit conversion of agricultural land, there would be limits to conflicts with Williamson Act contract. The General Plan Update also recognizes laws and regulations adopted to address the Williamson Act and requires that the more restrictive requirements be maintained if conflicts arise.

In addition, the General Plan Update would expand agritourism activities compatible with the Williamson Act land conservation program, thereby encouraging maintenance of Williamson Act contracts, as appropriate. Implementation Program 8.E.d provides that the County will amend Resolution 106-04 to allow agritourism activities as compatible or conditional uses on land in the Williamson Act land conservation program only when such activities are consistent with the Williamson Act. The Williamson Act defines "compatible use" as any use determined by the county or city...pursuant to Section 51231, 51238, or 51238.1 or by this act to be compatible with the agricultural, recreational, or open-space use of land within the preserve and subject to contract," including agricultural use, recreational use or open-space use (Gov. Code Section 51201(e)). Conditional uses are compatible uses that require a conditional use permit, which would allow the County to evaluate the proposed use on a case-by-case basis and impose additional restrictions (or deny the permit altogether) if necessary. Implementation of proposed Implementation Program 8.E.d would result in amending Resolution 106-04 to allow agritourism activities as compatible or conditional uses on land in the Williamson Act land conservation program when such activities are consistent with the Williamson Act. Although the specific amendments to Resolution 106-04 have not been finalized yet, the impacts of the proposed expansion of agritourism-related uses are evaluated throughout this Draft EIR.

If land under a Williamson Act contract is proposed for development of a non-agricultural use (or other use not compatible with the Williamson Act contract), the property owner could either allow the contract to expire under a notice of non-renewal or obtain a cancellation. A landowner may obtain a cancellation of the Williamson Act contract by demonstrating that the cancellation is consistent with the purposes of the Act and that it is in the public interest. The grounds for cancellation are codified in Government Code Section 51282, and cancellation is subject to discretionary approval by the County. If this were to occur, the landowner would be required to pay a fee of 12.5 percent of the unrestricted value of the property. Therefore, although the General Plan Update designates several parcels currently under Williamson Act contracts for residential development, the Williamson Act contracts for each parcel would need to be cancelled or allowed to expire (with all pertinent fees paid and other requirements met) prior to approval of development of any project that would conflict with the provisions of the Williamson Act contract. Therefore, direct conflicts with Williamson Act contracts would not occur.

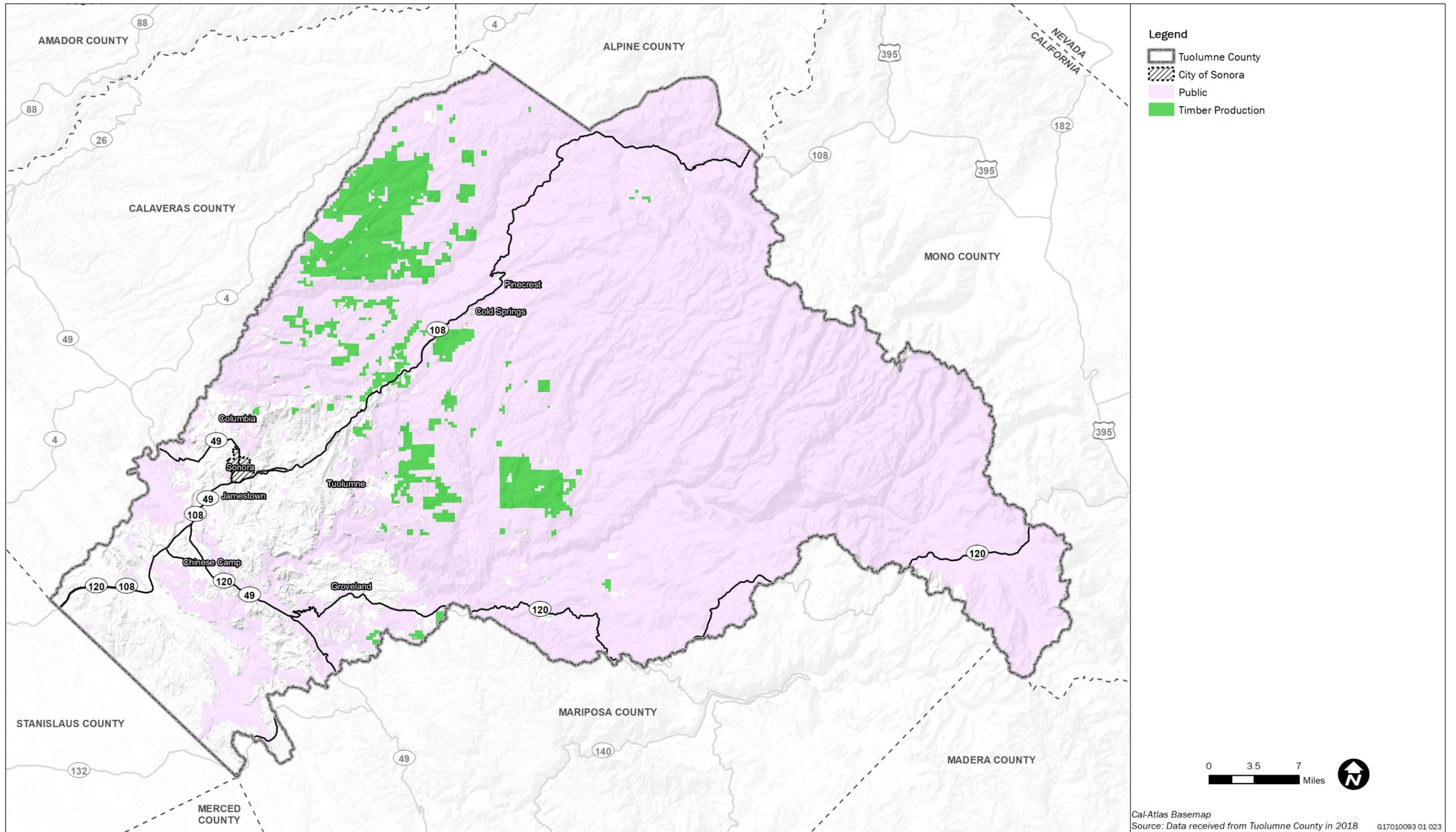


Exhibit 3.2-2

Proposed Timber Production Designation



However, the primary purpose of the Williamson Act is to establish a voluntary farmland conservation program by providing landowners tax incentives for agreeing to not develop their property for a period of time. The redesignation of 134 acres of land currently under Williamson Act contracts, approximately 63 acres of which the landowners have filed non-renewal notices for, to a non-agricultural use would counteract the intent of the Williamson Act by changing the underlying land use designation. This would remove an obstacle to development. Therefore, although the General Plan Update would not result in direct conflicts with a Williamson Act Contract (because such a contract would need to be expired or cancelled for development to occur), the proposed redesignation of 134 acres of Agriculture land currently under Williamson Act contract would conflict with the overarching intent of the Williamson Act. Additionally, the proposed redesignation of 1,397 acres of land in Tuolumne County that are currently within an agricultural preserve would conflict with the protective intent of Agricultural Preserve Overlay Districts. This impact would be **significant**.

Mitigation Measure: 3.2-3 Adopt an Implementation Program to Limit Growth-Inducing Public Services

The County shall add the following implementation program under Policy 8.B.4 of the General Plan Update:

Implementation Program 8.B.x [Specific numbering to be provided with Final General Plan Update]: Establish development standards to provide County staff with discretion to deny development that proposes to introduce growth-inducing public services like public sewer systems and potable public water into agricultural areas.

Significance after Mitigation

Mitigation Measure 3.2-3 requires the County to adopt an implementation program to establish development standards to provide staff with discretion to deny development that may result in the introduction of growth-inducing public services into agricultural areas. This mitigation would reduce the potential for conflicts with Williamson Act contracts, Agricultural Preserves, or Agricultural Preserve Overlay Districts. However, to reduce this impact to a less-than-significant level, the County would need to prohibit cancellation of Williamson Act Contracts. Prohibiting cancellation of Williamson Act contracts would violate the provision of the California Land Conservation Act. Thus, because no feasible mitigation measures exist to reduce this impact to a less-than-significant level, the impact would be **significant and unavoidable**.

Impact 3.2-4: Conflicts with Agricultural Land Uses

The General Plan Update would alter the present land use pattern in portions of the County and may result in incompatibilities where community and agricultural uses would be located in close proximity to each other. The proposed allowance of special events on agricultural land also may result in incompatibilities with nearby agricultural operations. However, potential conflicts would be reduced through the proposed policies that guide growth to identified communities, the review process for Conditional Use Permits, and application of the County's Right to Farm Ordinance. Therefore, impacts that would occur from development and commercial events would be **less than significant**.

The General Plan Update would focus future development within identified communities and their urban development boundaries. As discussed under Impact 3.2-1, the General Plan Update would re-designate approximately 4,509 acres of land that is currently designated Agricultural, and mostly located within or adjacent to identified communities, to residential uses.

The following discussion focuses on impacts to agricultural uses and residential uses that could occur with implementation of the General Plan Update because these land uses are generally more sensitive and prone to conflict with adjacent agricultural land uses than commercial or industrial land uses. In addition, where conversion of Agricultural Land is anticipated, most of the conversion would be to residential land use. Development adjacent to agricultural uses may generate land use conflicts that could adversely affect both types of uses. In addition, the proposed allowance of commercial events on agricultural properties could generate land use conflicts with surrounding agricultural operations.

Impacts to Agricultural Uses

The placement of residences and other sensitive land uses (such as schools) adjacent to cultivated agriculture can create incompatibilities that reduce the economic viability of agriculture. Buffers that restrict application of pesticides, noise and dust complaints, and pilfering of produce can all affect agriculture. Some farmers whose operations may be sensitive to nearby residences voluntarily limit their hours of operation and do not intensively use the portions of their property closest to sensitive land uses, in effect establishing informal buffer zones on their own property. This has the effect of lowering crop yields, which can potentially affect the long-term economic viability of the agricultural operation. This could ultimately result in pressure to convert agricultural if the economic impacts become severe enough. However, harvest crops are minimal in Tuolumne County, and agricultural land is primarily used as grazing land, which requires large areas for livestock foraging and causes fewer compatibility issues. In addition, the General Plan Update would require a 200-foot-wide buffer to be created on the parcel proposing development (not existing agricultural lands) and to be situated between proposed developments and agricultural lands (Policies 8.A.4, 8.B.2, and 8.C.2), unless exceptions are granted due to local circumstances. Policy 8.A.4 provides a process for the buffer to be reduced by the Board of Supervisors after considering the recommendation of the Agricultural Advisory Committee. Appropriate requests for reductions, per Policy 8.A.4, include site specific conditions such as topography, vegetation, roads or other physical features of the buffer area or other factors and would thus be limited to the appropriate context. These policies would limit potential conflicts with agricultural land. Thus, the placement of residential and other sensitive lands near agricultural land that exists in Tuolumne County might cause occasional incompatibilities, it is not expected that this would be substantial, given the type of agriculture common to the County and the buffers and other factors resulting from implementation of General Plan Update policies. Therefore, it is not expected that the General Plan Update would result in incompatibilities that lead to pressure for substantial land conversion, and conflicts would be not be considered substantial. See, also, the discussion regarding residential uses, below.

Impacts to Residential Uses

Those residing adjacent to agricultural land commonly cite odor nuisance impacts, noise from equipment, dust, and pesticide spraying as typical land use conflicts. Pesticide use on nearby crops and the suspension of dust from operation of equipment and earth-moving activities could create health concerns for residents. Additionally, odors from fertilizers, herbicides, pesticides, and equipment exhaust can be incompatible with residential uses. Agricultural equipment can generate substantial noise levels. In addition, the development of residential uses near timber land could result in exposure to normal industry practices that generate dust, smoke, noise, chemical pesticides and herbicides, and truck traffic.

The General Plan Update contains implementation programs that allow agriculturalists to manage their operations in an efficient, economic manner while minimizing conflicts with non-agricultural uses (Policy 8.C.1). These implementation programs consist of provisions in the County's Right to Farm Ordinance (Implementation Program 8.C.a) and use of conditions of approval made as part of new development (Implementation Program 8.C.b). The Right to Farm Ordinance promotes a "good neighbor policy" between agriculturalists and residents by advising purchasers and residents of nearby property of inherent potential problems such as sounds, odors, dust, and chemicals from agricultural operations. Neighbors also are notified that they should be prepared to accept such inconveniences or discomforts as a normal and necessary aspect of living in a county with a strong rural character and a healthy agricultural sector. In addition, the General Plan Update would require a 200-foot-wide buffer between proposed developments and agricultural lands (Policies 8.A.4, 8.B.2, and 8.C.2), with some exceptions, which would minimize land use conflicts. Policy 8.A.4 provides a process for the buffer to be reduced by the Board of Supervisors after considering the recommendation of the Agricultural Advisory Committee. However, appropriate requests for reductions, per Policy 8.A.4, include site specific conditions such as topography, vegetation, roads or other physical features of the buffer area or other factors and thus appropriate reductions would be limited to those related to the conditions of the land. These policies would limit potential conflicts between agricultural land and residential uses.

The existing agricultural industries located within the plan area are a major contributor to the County's economy, and to protect the viability of this valuable industry, the General Plan Update encourages productive use of valuable agricultural lands (Policy 8.B.2), and reduces economic pressures for conversion

of agricultural lands (Policy 8.B.3) by allowing accessory or complementary uses to agricultural operations (Implementation Program 8.B.b). The General Plan Update also includes amendments to Title 17 of the County's Ordinance Code, consistent with Policies 8.E.1 through 8.E.3 in the updated Agriculture Element, which would expand the range of economic activities allowed on land zoned for agriculture. These amendments would allow agritourism activities that complement local agricultural production and special events that are "accessory to the agricultural use of the land."

Specifically, the amendments to Title 17 (See Appendix F) would allow the following permitted uses in the Exclusive Agricultural, Thirty-Seven Acre Minimum (AE-37), Exclusive Agricultural, Eighty Acre Minimum (AE-80) and Exclusive Agricultural, One Hundred Sixty Acre Minimum (AE-160) zoning districts:

- ▲ one guesthouse per parcel;
- ▲ agricultural marketing facilities or activities;
- ▲ agricultural by-product processing facilities accessory to agricultural operations, including commercial composting facilities;
- ▲ U-pick operations;
- ▲ bed and breakfast establishments within a permitted single-family dwelling, not to exceed six guest bedrooms;
- ▲ farm stay, not to exceed six guest bedrooms;
- ▲ guest ranch, not to exceed six guest bedrooms or accommodations for 20 persons, whichever is less;
- ▲ educational workshops, craft demonstrations, or demonstration gardens accessory to the agricultural use;
- ▲ commercial events, subject to the events standards in Section 17.52.220;
- ▲ seasonal activities such as crop mazes, pumpkin patches, and berry harvests;
- ▲ petting zoo accessory to the primary agricultural use;
- ▲ roadside stand up to 1,500 square feet in area;
- ▲ energy-generating facilities accessory to the agricultural use; and
- ▲ reservoirs for storage of water by a public utility.

As discussed above in Section 3.2.1, "Environmental Setting," a study was prepared to examine how the number of agritourism operations may increase from the current number in the County through 2040. The study's findings are based on an evaluation of historic growth in the local agritourism economy, changes in the rate of farms participating in agritourism, projected changes in local population, and composition of the current agritourism sector in the state. The study concluded that the proposed changes under the General Plan Update in the amount of land designated for agricultural use would not be sufficient to affect the local market for agritourism in the County. The study forecasts that, based on historic growth rates in the high end of the possible range, agritourism operations may increase from 26 in 2018 to a total of between 46 and 85 in 2040. The study predicts a moderate range of 28 to 43 operations in 2040 (based on an evaluation of the percentage of farms engaged in agritourism in comparison counties) and concludes that the moderate range is considered the most likely scenario. Of the 26 agritourism operations existing in 2018, some occur on lands that are not designated or zoned for agricultural uses. The average site size of each agritourism operation is 43.88 acres. Thus, at the high end of the moderate projection, a total of approximately 1,890 acres of agricultural lands (for 43 operations) would be engaged in some kind of agritourism activity by year

2040; at the low end of the projection, less than 1,230 acres would be engaged in some kind of agritourism (for 28 operations). (Note that these totals include existing agritourism operations.) The majority of these businesses would be expected to be centered on animal products and activities and miscellaneous products and services, followed by event venues, such as wedding sites. Proposed Title 17 Ordinance Code Section 17.52.220 restricts the size and frequency of special events associated with agritourism uses and requires specific standards, including standards for parking, noise, lighting. (See Appendix F for the specific proposed standards.) Other types of agritourism businesses could include apple, Christmas tree, wine, and beer production. Although the percentage of farms engaged in agritourism in the County (4.6 percent) is higher than the state average (2.18 percent) or the Sierra Mountains Region average (3.14 percent), the existing and forecasted number of agritourism operations is relatively low compared to a high of 135 agritourism operations in Sonoma County in year 2012 (Lisa Wise Consulting 2018).

The construction of additional agricultural facilities that relate to agritourism operations, such as guesthouses, roadside stands, energy-generating facilities, and composting facilities, would limit conversion of farmland by enhancing the economic viability of agriculture. The proposed changes to Title 17 of the County Ordinance Code restrict the size of bed and breakfast establishments, farm stays, and roadside stands by requiring that other new agricultural facilities be accessory to the primary agricultural use. Furthermore, agritourism uses would be expected to increase the economic value of land as an agricultural use and could result in a long-term decrease in pressure for urban development because maintenance of agricultural uses alongside these types of businesses would be incentivized. Thus, increased allowance of agritourism in the County would be protective of agricultural land uses. Impacts associated with promotion of agritourism are addressed in this EIR. Please see Sections 3.12, "Noise," and 3.16, "Transportation and Circulation," for specific information regarding potential noise- and traffic-related impacts associated with increases in agritourism resulting from General Plan Update policies.

Thus, because new residential uses in the County would not be expected to adversely affect existing agricultural practices due to policies and programs that limit conflicts to agricultural uses, establishment of buffer zones between most agricultural and non-agricultural uses, and minimization of agricultural land conversion through allowance of agritourism, the potential for conflicts would be minimal.

Conclusion

As discussed above, it is not expected that the General Plan Update would result in incompatibilities that lead to pressure for substantial land conversion, and conflicts with agricultural uses would not be considered substantial. Likewise, impacts associated with agricultural operations would also not result in substantial conflicts with residential uses. This impact would be **less than significant**.

Mitigation Measures

No mitigation is required.