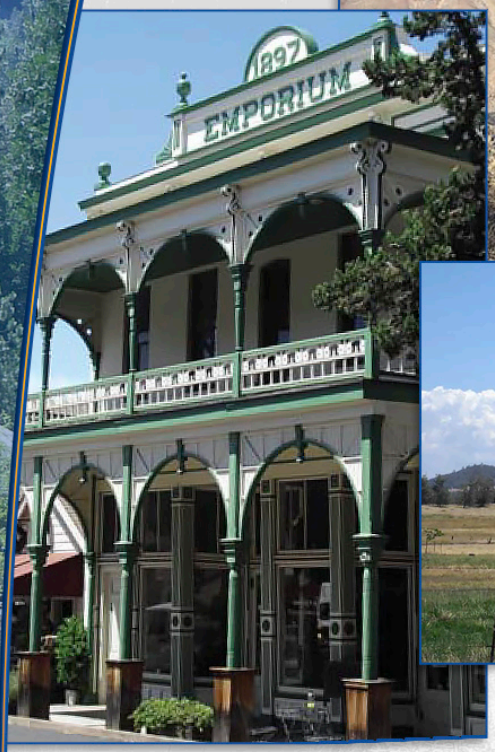

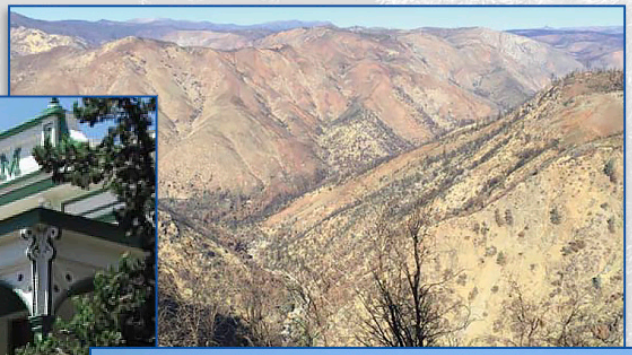

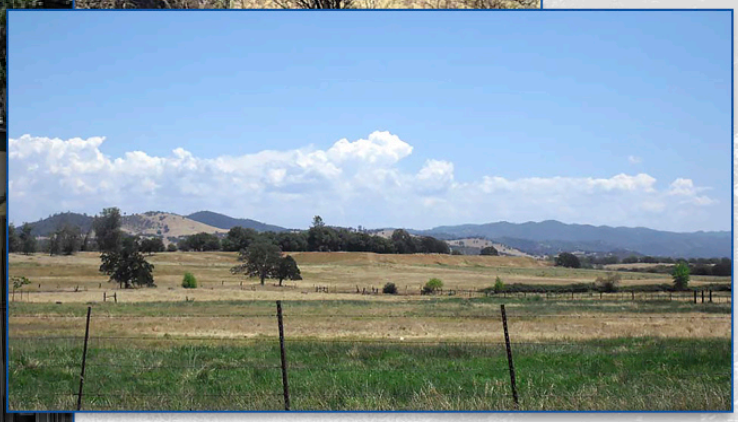

Final Environmental Impact Report
for the

Tuolumne County General Plan Update Project

State Clearinghouse No. 2015082027

Prepared for:

Tuolumne County
Community Resources Agency
2 South Green Street
Sonora, CA 95370

December 2018

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December 2018

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LIST OF ABBREVIATIONS

ACC	Advanced Clean Car Program
AFY	acre-feet per year
CAL FIRE	California Department of Forestry and Fire Protection
CalEEMod	California Emissions Estimator Model
CAP	Climate Action Plan
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
County	Tuolumne County
FEIR	final environmental impact report
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
GHG	greenhouse gas
GPU	General Plan Update
LAMP	Local Agency Management Plan
LOS	level of service
MPO	Metropolitan Planning Organization
$MTCO_2e$	metric tons of CO_2 equivalent GHG emissions
NO_X	oxides of nitrogen
NRHP	National Register of Historic Places
PM	particulate matter
PM_{10}	particulate matter measuring no more than 10 microns in diameter
$PM_{2.5}$	particulate matter measuring no more than 2.5 microns in diameter
RDEIR	recirculated draft environmental impact report
ROG	reactive organic gases
RTP	Regional Transportation Plan
SB	Senate Bill
SMAQMD	Sacramento Metropolitan Air Quality Management District
SR	State Route
TCAPCD	Tuolumne County Air Pollution Control District
TCFD	Tuolumne County Fire Department
TCTC	Tuolumne County Transportation Council
TDM	Traffic Demand Model
THLA	Twain Harte Lake Association
Tribe	Chicken Ranch Rancheria of Mi Wuk Indians of California
TUD	Tuolumne Utilities District

1 INTRODUCTION

This Final Environmental Impact Report (Final EIR) has been prepared by the Tuolumne County (County), as lead agency, in accordance with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines (CCR Section 15132). This Final EIR contains responses to comments received on the Recirculated Draft Environmental Impact Report (RDEIR) for the Tuolumne County General Plan Update Project. The Final EIR consists of the RDEIR and this document (response to comments document), which includes comments on the RDEIR, responses to those comments, and revisions to the RDEIR.

1.1 PURPOSE AND INTENDED USES OF THIS FINAL EIR

CEQA requires a lead agency that has prepared a draft EIR to consult with and obtain comments from responsible and trustee agencies that have jurisdiction by law with respect to the project, and to provide the public with an opportunity to comment on the draft EIR. The final EIR is the mechanism for responding to these comments. This Final EIR has been prepared to respond to comments received on the RDEIR, which are reproduced in this document; and to present corrections, revisions, and other clarifications and amplifications to the RDEIR, including changes to proposed policies and implementation programs, made in response to these comments. The Final EIR will be used to inform the County's decision regarding whether to approve the Tuolumne County General Plan Update.

This Final EIR will also be used by CEQA responsible and trustee agencies to ensure that they have met their requirements under CEQA before deciding whether to approve or permit project elements over which they have jurisdiction. It may also be used by other state, regional, and local agencies that may have an interest in resources that could be affected by the project or that have jurisdiction over portions of the project.

1.2 OVERVIEW OF THE GENERAL PLAN UPDATE

The proposed project is a comprehensive update to the Tuolumne County General Plan (hereinafter referred to as the "General Plan Update"). The General Plan Update, which updates the 1996 General Plan, establishes the community's vision for the development of Tuolumne County through the year 2040 and will serve as the fundamental land use policy document for the County. The General Plan Update consists of three components: the Countywide General Plan and Community Plans, which relate to the communities of Jamestown, Columbia, East Sonora, Tuolumne, and Mountain Springs, and the Technical Background Report. Each of the General Plan Elements and Community Plans contain statements of goals, policies, and implementation programs, which constitute Tuolumne County's policies for land use, development, and environmental quality. Consistent with Policies 8.D.1, 8.E.2, and 8.E.3 and Implementation Programs 8.D.a and 8.E.c in the Agriculture Element, the General Plan Update Project also includes proposed amendments to Title 17 of the Ordinance Code, which would expand the range of economic activities allowed on land zoned for agriculture and agritourism activities on nonagricultural land.

The General Plan Update responds to current local and regional conditions, as well as changes in state law that may not have been in place when the General Plan was last updated. It includes the update of the seven mandatory General Plan elements. The General Plan Update clarifies and articulates the County's intentions with respect to the rights and expectations of the various communities, including residents, property owners, and businesses. Through the General Plan Update, the County informs these groups of its goals, policies, and standards, thereby communicating expectations of the public and private sectors for meeting community objectives.

The General Plan Update is intended to function as a policy document to guide land use decisions within Tuolumne County's planning area through the year 2040. County decision-makers will use the General Plan Update as a road map for:

- choices about the use of land;
- protection of environmental resources;
- conservation of existing, and development of new, housing;
- provision of supporting infrastructure and public and human services; and
- protection of people and property from natural and human-made hazards.

Since the General Plan and Community Plans are the constitution for all future development in a municipality, any decision by a county affecting land use and development must be consistent with the respective plan. An action, program, or project is consistent with the General Plan if, considering all its aspects, it will further the objectives and policies of the General Plan and will not inhibit or obstruct their attainment.

1.2.1 General Plan Update Background and Process

REGIONAL BLUEPRINT

Since 2007, the County of Tuolumne has been participating in "Tuolumne Tomorrow," which was a regional blueprint planning process for directing future growth and enhancing the quality of life in the County through a planning horizon of 2040. Through this coordinated effort, the City of Sonora, Tuolumne County, Tuolumne County Transportation Council, and community members developed "Guiding Principles" for growth and development and studied the potential effects of the likely land use development pattern and possible alternative growth scenarios on the transportation system, housing, local economy, quality of life, natural resources, and the environment. As a result of this effort, the Distinctive Communities Growth Scenario was selected and adopted by the Board of Supervisors in August 2012 as the preferred growth scenario for Tuolumne County. Tuolumne County's General Plan Update has been formulated to reflect this preferred growth scenario, and includes policies to guide and direct the foreseeable development and growth that would occur in the County by 2040. Within the Distinctive Communities Growth Scenario, each community contains a well-defined, cohesive, and compact community built around an appropriately-scaled urban core and community gathering places. (For a further explanation of the Distinctive Communities Growth Scenario, refer to Chapter 2, "Project Description," of the RDEIR.)

PUBLIC PARTICIPATION

Public participation is a necessary element to a comprehensive general plan update, and public involvement meetings were held throughout the General Plan Update process. The Board of Supervisors Planning Committee was designated by the Board of Supervisors to serve as the steering committee for the General Plan Update project. The Board of Supervisors Planning Committee conducted 10 meetings, all of which were open to the public. In February 2015, the County held two public workshops (scoping meetings), one in the City of Sonora with the Board of Supervisors and another in the community of Groveland with County staff. At the Sonora workshop, the various elements of the General Plan were presented and the Board had an opportunity to discuss the various elements and provide direction to staff for any additional amendments. In addition at both workshops, the public was invited to provide initial comments on the General Plan Update. The Tuolumne County Planning Commission conducted an additional workshop on April 15, 2015 where the public was also invited to provide comments on the General Plan Update. In addition, property owners on those properties with proposed land use designation changes were notified by County staff by written notice and staff was available to discuss questions and clarifications regarding proposed land use changes with individual property owners.

In 2017, County staff met with stakeholder groups, which included Tuolumne County Farm Bureau, Farms of Tuolumne County, Tuolumne County Business Council, Tuolumne Band of Me-Wuk Indians, Chicken Ranch

Rancheria of Me-Wuk Indians, Tuolumne Heritage Committee, Central Sierra Environmental Resource Center, Tuolumne-Stanislaus Integrated Regional Water Management Group, Tuolumne Utilities District, and Citizens for Responsible Growth. In the spring of 2018, Community Resources Agency staff sent notices to over 4,000 property owners with parcels that may be impacted by land use changes, as well as notifying them of a series of informational sessions that were planned for Board of Supervisors meetings. These sessions were also advertised on the County's General Plan website, in the Union Democrat newspaper, and on local radio. At these five sessions, Community Resources Agency staff provided an overview of general plans, environmental review, community plans, general plan implementation and public review and comment. In addition, Community Resources Agency staff also made presentations at the Tuolumne Rural Action Coalition, the Tuolumne County Board of Realtors, and several town hall meetings.

After the Draft General Plan was released, Community Resources Agency staff held town hall meetings in August and September 2018 in the communities of Jamestown, Columbia, Tuolumne, and Groveland. Community members were invited to provide comments on the Draft General Plan at these meetings. Additional presentations were made to several community groups after the release of the Draft General Plan Update and RDEIR, including the Tuolumne County Chamber of Commerce.

1.2.2 Overall Objectives

The General Plan Update includes the following overall objectives:

- Adopt a County-wide General Plan that reflects the current values and vision of the communities in the County and reflects the latest legal, statutory, scientific, and technical changes and advancements.
- Update the County General Plan to achieve and enable maximum flexibility for development within the bounds of state and federal law as well as an ever-evolving legal, cultural and environmental landscape.
- Promote the delivery of efficient and cost-effective public services.
- Enhance the unique nature of identified communities while providing services and amenities for residents, businesses, and visitors on a County-wide basis.
- Minimize or eliminate restrictions and requirements that can increase delays and/or the cost to development.
- Promote development within the County that is designed to fit the needs of the County's residents, businesses, and visitors.
- Promote the stewardship of the County's natural resources, which includes providing for the productive use of natural resources, and management to reduce risks of wildland fires.
- Conserve the County's historic resources and recognize their unique value to the County's social and economic fabric.
- Allow residents and property owners to use their land to the maximum extent of the law, while respecting the values of the community.

1.3 MAJOR CONCLUSIONS OF THE ENVIRONMENTAL ANALYSIS

The following impacts are identified as significant and unavoidable in Sections 3.1 through 3.17 of the RDEIR. In some instances, mitigation measures in the form of policies are proposed to substantially reduce these impacts, but they are concluded to be significant and unavoidable because the efficacy of the mitigation may be uncertain or there may be questions as to whether the measures will be adopted.

Agricultural Resources

- Loss of High-Value Agricultural Land
- Conflict with Williamson Act contracts, Agricultural preserves or Agricultural Preserve overlay districts

Cultural Resources

- Change in the significance of a historical or unique archaeological resource

Global Climate Change

- Generation of greenhouse gas (GHG) emissions, either directly or indirectly
- Conflict with any applicable plan, policy, or regulation for reducing the emission of GHGs

Noise

- Expose new sensitive land uses to traffic noise
- Expose existing sensitive receptors to traffic-noise increases
- Expose sensitive receptors to construction noise levels that exceed applicable standards
- Expose sensitive receptors to construction vibration levels that exceed applicable standards

Transportation and Circulation

- Impacts to several roadway segment operations
- Impacts to several intersection operations

Cumulative Impacts

- Contribution to cumulative loss of farmland
- Contribution to cumulative air quality impacts
- Contribution to cumulative climate change effects
- Contribution to cumulative impacts related to transportation and circulation

1.4 CEQA PUBLIC REVIEW PROCESS

1.4.1 Review of the Recirculated Draft EIR

The County circulated a Draft EIR on December 4, 2015. During its review of comments on the Draft EIR, the County identified potentially significant new information that would need to be added to the Draft EIR. Additionally, the General Plan Update was revised to reduce redundancies in policies and programs and improve the organization of the document. Policies were clarified where appropriate in response to comments received during the circulation of the Draft EIR, such as in the Natural Resources Element. In order to provide a comprehensive analysis of potentially significant impacts from the updated version of the General Plan Update and to fully address areas of concern raised in public comments on the Draft EIR, the County has prepared this RDEIR.

On August 27, 2018, the Community Resource Agency released the RDEIR for a 45-day public review and comment period. The RDEIR was submitted to the State Clearinghouse for distribution to reviewing agencies; posted on the County's website (https://www.tuolumnecounty.ca.gov/889/General-Plan-Update); and was made available at the County offices in Sonora. A notice of availability of the RDEIR was published in the Union Democrat newspaper. The RDEIR was also distributed to responsible and trustee agencies, other affected agencies, surrounding counties, and interested parties, as well as to all parties requesting a copy of the RDEIR, in accordance with Public Resources Code Section 21092(b)(3).

1.4.2 Responses to Comments

Section 15088.5 of the CEQA Guidelines provides that when an agency recirculates an entire EIR, the agency need not respond to comments received during the earlier circulation period. Although comments received during the earlier circulation period are part of the administrative record, CEQA does not require a written response to those comments in the Final EIR.

Written comments on the RDEIR were received from local agencies, organizations, and individuals. Chapter 3, "Responses to Comments," identifies these commenting parties, their respective comments, and responses to these comments. Section 15088(c) of the State CEQA Guidelines specifies that the focus of the responses to comments shall be on the disposition of significant environmental issues. Responses are not required on comments regarding the merits of the proposed update or on issues not related to environmental impacts.

This document includes responses to both comments specific to the content of the RDEIR and comments that are directed toward the project (i.e., comments on the merits of the proposed policies and implementation programs rather than the associated environmental analysis). Although not necessary for CEQA compliance, the County has elected to provide these responses for the benefit of the decision-makers, the commenters and the public. Where the County has decided, in light of comments received, to recommend changes to portions of the General Plan Update that are cited in the RDEIR (i.e., policies and implementation programs noted specifically in the analysis), such text modifications are noted in Chapter 2, "Project Updates." None of the comments received, or the responses provided, constitute "significant new information" by CEQA standards (State CEQA Guidelines CCR Section 15088.5).

1.4.3 Review of the Final EIR

This Final EIR and associated appendices are available for review online at:
https://www.tuolumnecounty.ca.gov/889/General-Plan-Update

Copies are available at the following locations:

- Community Resources Agency, 48 Yaney, 4th floor Sonora, California
- Tuolumne County Library, 480 Greenly Road, Sonora, California

Lead agencies are required to provide responses to public agency comments on draft EIRs at least 10 days before the certification of the Final EIR (Section 15088(b) of the State CEQA Guidelines). This Final EIR document is being sent to agencies and other interested persons who commented on the RDEIR.

1.5 ORGANIZATION OF THE FINAL EIR

This FEIR is organized as follows:

Chapter 1, "Introduction," describes the purpose of the Final EIR, summarizes the Tuolumne County General Plan Update and the major conclusions of the RDEIR, provides an overview of the CEQA public review process, and describes the content of the Final EIR.

Chapter 2, "Project Updates," presents minor updates to policies and implementation programs proposed in the Tuolumne County General Plan Update. This chapter only captures changes to policies and implementation programs specifically cited in the RDEIR.

Chapter 3, "Responses to Comments," contains a list of all parties who submitted comments on the RDEIR during the public review period, copies of the comment letters received, and responses to the comments. The chapter begins with a set of master responses that were prepared to respond comprehensively to multiple comments that raised similar issues. A reference to the master response is provided, where relevant, in responses to individual comments.

Chapter 4, "Revisions to the Draft EIR," presents revisions to the RDEIR text made in response to comments, or to amplify, clarify or make minor modifications or corrections. Changes in the text are signified by ~~strikeouts~~ where text is removed and by <u>underline</u> where text is added.

Chapter 5, "References," identifies the documents used as sources for the analysis.

Chapter 6, "List of Preparers," identifies the lead agency contacts as well as the preparers of this Final EIR.

2 PROJECT UPDATES

Through the public review process, Tuolumne County has identified minor edits or clarifications to the text of some policy language proposed in the General Plan Update. The following provides a list of changes to policies and implementation programs cited in the RDEIR. Text deletions are shown in ~~strikethrough~~, and text additions are shown in underline.

POLICY 3.B.1

- **Policy 3.B.1:** Require that development is consistent with the applicable water purveyor standards and specifications ~~master plan~~, as applicable, the proper design and sizing of water distribution lines, storage tanks, and other aspects of the water infrastructure system both on and off the site of development.

POLICY 3.D.3

- **Policy 3.D.3:** Assist and cooperate in master planning sewer facilities and encourage the extension of additional public services through the installation of ~~larger~~ appropriately sized utility ~~distribution lines~~ collection system piping and other on-site and off-site improvements on new developments.

POLICY 4.A.7

- **Policy 4.A.7:** Recognize the major funding limitations that exist within the State and County system and find that, as a matter of legislative policy, additional growth and development may be allowed within the County, notwithstanding the adverse impacts which may result in the short term by this growth and development. Therefore, it shall be the policy of the County to:

  1. Encourage the existing partnership between the Tuolumne County Transportation Council, the State and developers in working together to solve State highway and County road problems created by growth and funding limitations.

  2. Cooperate with governmental agencies in identifying and funding improvements necessary to mitigate the deficiencies in the transportation system in Tuolumne County.

  3. Acknowledge that short-term adverse impacts to the Tuolumne County transportation system resulting from growth and development within and outside of the County will occur until adequate funding is made available and improvements are made through projects identified in the adopted State Transportation Improvements Program.

  4. Monitor responsible agencies' activities in responding to the needs of the transportation system within the County.

  5. Review and provide input on the Regional Transportation Improvement Program (RTIP).

  6. Should critical State highway improvements not be identified in the adopted State Transportation Improvements Program, the County should review its policies to determine if additional growth and development should be curtailed in the impacted areas to maintain established minimum LOS standards.

  7. ~~When appropriate and feasible,~~ Support TCTC's Rural Sustainable Strategies to reduce VMT and GHG emissions~~sustainable communities strategies to reduce vehicle miles traveled~~.

IMPLEMENTATION PROGRAM 4.A.d.1

- **Implementation Program 4.A.d.1** – Support alternative energy vehicles, including electric vehicles, and development of electric charging stations for ~~passenger vehicles,~~ the use of the public, County employees and County fleet vehicles.

IMPLEMENTATION PROGRAM 14.A.f

- **Implementation Program 14.A.f** - Collaborate with the other agencies and water purveyors to develop a Comprehensive Water Resources Plan to manage and protect the County's water resources by developing and prioritizing a list of water resources projects and a monitoring program. Utilize planning reports from the Tuolumne-Stanislaus Integrated Water Management Authority (IRWM) in future water planning efforts.

IMPLEMENTATION PROGRAM 4.A.r

- **Implementation Program 4.A.r**: Implement Vehicle Miles Traveled for evaluating transportation impacts under CEQA to be consistent with SB 743. ~~Consider implementing an alternative to LOS for evaluating transportation impacts, such as vehicles miles traveled, as described in the CEQA guidelines.~~

IMPLEMENTATION PROGRAM 4.B.b

- **Implementation Program 4.B.b**: Plan for a balanced multimodal transportation network that meets the needs of all users of roads, including bicyclists, pedestrians, and transit users. Incorporate bicycle, pedestrian and transit improvements when designing roadway improvements where appropriate. Support ~~the~~ efforts to develop a Tuolumne Region Active Transportation Plan, Interregional Bicycle Tourism Plan, and a State Route 49 Complete Streets and Congested Corridor Plan~~of the TCTC to develop an Active Transportation Plan for Tuolumne County, The State Route 49 Complete Streets and State Route 49 Congested Corridor Plan~~.

IMPLEMENTATION PROGRAM 4.B.d

- **Implementation Program 4.B.d**: Promote walking and bicycling through education and outreach programs and activities such as a Safe Routes to School Program, commute campaigns, classes that teach cycling skills, and providing route maps.

IMPLEMENTATION PROGRAM 4.B.h

- **Implementation Program 4.B.h**: Update the local street design standards for urban areas, where practicable, to include ~~Universal Design criteria~~ Complete Streets components for street infrastructure such as sidewalks, pedestrian curb ramps, crosswalks, street lighting, shade trees, and curb extensions to accommodate all users, including people with disabilities and other special needs.

POLICY 14.D.1

- **Policy 14.D.1:** ~~Strive to maintain a mutually beneficial relationship with water supply purveyors.~~ Work collaboratively with water supply purveyors to strive for mutual benefits.

POLICY 15.D.1

- **Policy 15.D.1:** Work closely with federal, state and local agencies to minimize the emissions and smoke impacts fire hazard reduction and forest management burn activities and during ~~wildlife~~ wildfire episodes.

IMPLEMENTATION PROGRAM 16.B.j

- **Implementation Program 16.B.j:** Establish thresholds of significance under the California Environmental Quality Act (CEQA) for the conversion of oak woodlands in Tuolumne County. The following provides the County's recommended standard guidelines for determining whether a project may result in a significant impact to oak woodlands, for purposes of review under CEQA and Public Resources Code Section 21083.4:

  - An oak woodland is defined in the General Plan as a woodland stand with 10% or greater native oak canopy cover. Tree removal from parcels with less than 10% native oak canopy cover is not considered a significant conversion or loss of oak woodland.

  - For parcels with 10% or greater native oak canopy cover (i.e., parcels with oak woodland, as defined in the General Plan), a significant impact to oak woodland includes tree removal that reduces the total oak canopy cover onsite to below 10% (i.e., conversion to non-oak woodland), or a loss of 10% or greater of oak canopy woodland stand on the parcel, if the conversion or loss is determined by a trained professional to be substantial in consideration of, but not limited to, the following:

    - Total acres and amount of woodland stand removed or disturbed, and amount retained on site.

    - Pattern of development or habitat loss onsite (e.g., clustered vs. dispersed).

    - Existing habitat functions and quality (e.g., intact/high-quality, moderately degraded, or severely degraded).

    - Stand age- or size-class structure.

    - Rarity.

    - Landscape position in relation to larger wildlife corridors, stream systems, or other important natural features.

    - Loss of valley oak (*Quercus lobata)* woodland, which is a sensitive habitat.

    - Proximity to other oak woodland patches and connectivity to large blocks of intact habitat.

    - Contribution to a cumulative loss, degradation, or fragmentation of oak woodland across the County.

IMPLEMENTATION PROGRAM 16.B.l

~~**Implementation Program 16.B.l:** Evaluate, on a project by project basis, the appropriateness of exempting projects in identified communities from **Implementation Program 16.B.j** to encourage development in identified communities and minimize impacts to biological resources outside of identified communities.~~

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3 RESPONSES TO COMMENTS

This chapter contains comment letters received during the public review period for the RDEIR, which concluded on October 11, 2018. In conformance with Section 15088(a) of the State CEQA Guidelines, written responses were prepared addressing comments on environmental issues received from reviewers of the RDEIR.

3.1 LIST OF COMMENTERS ON THE RDEIR

Table 3-1 presents the list of commenters, including the numerical designation for each comment letter received, the author of the comment letter, and the date of the comment letter.

Table 3-1 List of Commenters

Letter No.	Commenter	Date
	AGENCIES	
G1	California Department of Transportation, District 10 Gregoria Ponce, Chief, Office of Rural Planning	October 8, 2018
G2	Central Valley Regional Water Quality Control Board Stephanie Tadlock, Senior Environmental Scientist	October 3, 2018
G3	Chicken Ranch Rancheria of Me-Wuk Indians of California Bailey Hunter, Environmental and Natural Resources Manager	October 11, 2018
G4	Tuolumne County Transportation Council Darin Grossi, Executive Director	October 11, 2018
G5	Tuolumne Utilities District Barbara Balen, President, Board of Directors	October 9, 2018
G6	Twain Harte Community Services District Tom C. Trott, P.E., General Manager	October 5, 2018
	ORGANIZATIONS	
O1	California Wildlife Foundation Janet Cobb, Executive Officer and Angela Moskow, Manager, California Oaks Coalition	October 10, 2018
O2	Central Sierra Audubon Society Tom Parrington, CSAS Past President	October 10, 2018
O3	Central Sierra Environmental Resource Center John Buckley, Executive Director	October 10, 2018
O4	The Quartz and Stent Communities	No Date
O5	Central Sierra Environmental Resource Center Ellison Folk, Shute, Mihaly & Weinberger LLP	October 10, 2018
O6	Tuolumne County Farm Bureau Ken Fleming, President	October 11, 2018
O7	Tuolumne Heritage Committee Sharon Marovich, Chair	September 28, 2018
	INDIVIDUALS	
I1	Larry Beil	October 9, 2018
I2	Scott Fischler	October 11, 2018

Table 3-1 List of Commenters

Letter No.	Commenter	Date
I3	Carolyn Gorgas, David Gorgas, Dennis Gorgas, and Mary Gorgas Johnson	October 11, 2018
I4	Roy and Pat Gray	August 30, 2018
I5	Brian Hartsell	August 3, 2018
I6	Mike Keene	October 9, 2018
I7	Marvin Keshner	September 13, 2018
I8	Candra Manthey-Neff	October 8, 2018
I9	Tom Parrington	October 10, 2018
I10	Dennis Randall	October 11, 2018
I11	Renalda Salyers, Nikki Salyers, Jason Pender, and Brody Salyers	October 11, 2018
I12	Dave Scheller	October 8, 2018
I13	Mary Smith	October 11, 2018
I14	Jay Watson	October 8, 2018
I15	Donna and Bob Wilhelm	October 10, 2018
I16	Robin Wood	October 9, 2018

3.2 MASTER RESPONSES

Several comments raised similar issues. Rather than responding to similar comments individually, master responses have been developed to address these comments comprehensively. Master responses are provided for the following topics: zoning and land use designations in the Quartz/Stent area; population projections used in the General Plan Update; proposed policies related to agriculture, oak woodlands, and wildlife; and fire safety. A reference to the master response is provided, where relevant, in responses to the individual comments.

3.2.1 Master Response 1: Vertical Consistency; Stent/Quartz

Government Code section 65860 requires vertical consistency within planning documents. Vertical consistency means the zoning code and all other development policies are consistent with the General Plan. Although the General Plan can be adopted with inconsistencies with the County's zoning code, Government Code section 65860 would require the County to then amend the zoning code to resolve these inconsistencies. With regard to revisions to the General Plan land designations, the Board of Supervisors directed County staff to avoid decreasing density allowed on any parcels (known as "down zoning"). In general, where vertical inconsistency currently exists for individual parcels, the General Plan Update revises the General Plan land designation if consistent zoning is not achievable or would require down zoning.

The Stent/Quartz area is an example of vertical inconsistency where zoning consistent with the current General Plan land designation is not achievable or would require down zoning. The Stent/Quartz area is currently designated as Estate Residential under the 1996 General Plan and is proposed to be designated Low Density Residential under the General Plan Update. Many of the properties located in the Stent/Quartz area that are included in the General Plan Update are currently zoned R-1 (Single Family Residential) or RE-1 (Residential Estate, 1 acre minimum). Both of these zoning districts are considered "urban" under the 1996 Tuolumne County General Plan and the General Plan Update. The R-1 and RE-1 zoning districts are inconsistent with the Estate Residential. The zoning districts that are compatible with the Estate Residential General Plan land designation include RE-2 (Residential Estate, 2-acre minimum) and all less intensive residential and agricultural zoning districts. Rezoning parcels from R-1 or RE-1 to RE-2 would constitute down zoning.

Additionally, a substantial number of Stent/Quartz area parcels cannot be rezoned to RE-2 because they do not meet the 2-acre minimum parcel size. Many of the properties in the Stent/Quartz area were created under the original townsites and are below the minimum parcel size for even their current zoning designations, which is 7,500 square feet in the R-1 zone and 1 acre in the RE-1 zone. These undersized lots would not meet the 2-acre minimum size required to rezone to the RE-2 zoning district to resolve the vertical inconsistency with the current Estate Residential General Plan land designation. Since the zoning cannot be changed to achieve consistency with the current General Plan designation, Tuolumne County is proposing to amend the General Plan land use designations in these communities to achieve the vertical consistency required by Government Code section 65860.

Residents of Stent/Quartz are concerned that they are losing the rural land use designation currently afforded to these properties under the 1996 General Plan. However, while the current General Plan land use designations denote rural, agriculturally based residential living, the existing zoning on these parcels is reflective of an urban land use. The proposed changes are to bring the land use designations into compliance with the existing urban zoning designations found in the community. All existing permitted development densities for these communities will remain unchanged with the implementation of the General Plan Update. Because the existing zoning on many of the properties in Quartz/Stent allows one dwelling unit per 7,500 square feet, and the proposed General Plan Update would not change what is currently allowed (and growth forecasts drive the analysis of foreseeable development; see Master Response 2), no new impacts from traffic or to law enforcement are anticipated. Property owners who wish to further develop properties, such as through land divisions, are required to go through additional environmental review which would analyze potential impacts.

3.2.2 Master Response 2: Population Projections

A number of public comments called out the 2040 population projection identified in the General Plan Update and the General Plan Update RDEIR, stating that the projection is unrealistically high. Commenters stated that the population projections were used to justify land use designations and policies that accommodate too much development, citing General Plan Update policies directing the County to designate adequate land for various types of development.

As explained on pages INTRO-6 to INTRO-7 of the General Plan Update, the Plan uses the Tuolumne County Transportation Council's (TCTC) adopted a population projection of 63,243 residents in Tuolumne County by the year 2040. As further detailed on page 2-5 of the RDEIR, the existing (year 2015) population of Tuolumne County, including the City of Sonora, is 54,337. Therefore, the 2040 projection represents an increase of 8,906 people between 2015 and 2040; a growth rate of around 0.6 percent per year.

This population projection exceeds the latest projections from the State Department of Finance (DOF). The projection used in the General Plan Update was based on careful consideration of multiple data sources, and allows for a conservative analysis of possible impacts if development exceeds DOF forecasts. The TCTC developed the 2040 population projection through a multi-year regional blueprint planning process that included a wide range of participants. The process considered recent DOF population projections, which are very low, and historic DOF projections, which are very high, and ultimately relied on the average 10-year permit issuance rate for Tuolumne County, which falls about midway between the recent and historic DOF forecasts that were considered, and which provides a reasonable and realistic population growth rate that is based on localized historic data.

Further, the population projections reported in the General Plan Update and RDEIR are not the basis for the land use designations or policies in the General Plan Update. Rather, these population projections are considered to ensure that the County has adequately planned for growth that may occur. This approach also provides for a conservative analysis in the RDEIR, so that potential impacts are adequately addressed, even if growth rates were to increase compared to recent trends or State DOF forecasts.

The General Plan Update land use diagram includes changes to the adopted land use designations, but those changes are not required in order to accommodate the anticipated population increase. As noted in some of the comments on the General Plan Update, there is already adequate vacant and appropriately-zoned/general plan-designated land in Tuolumne County to accommodate the projected growth, so changes to the land use diagram to accommodate projected growth are not required. Rather, the proposed changes to the land use diagram are mainly focused on implementing the Distinctive Communities Growth Scenario, which was adopted by the Board of Supervisors in 2012 as the preferred growth scenario for Tuolumne County, and the result of a regional blueprint planning process aimed at directing future growth toward the Distinctive Communities and enhancing the quality of life in the County. The regional blueprint planning process developed alternative growth scenarios, each implementing the same amount of population growth, but employing different land use patterns to achieve the growth.

The Distinctive Communities Growth Scenario is focused on well-defined, cohesive, and compact communities built around an appropriately scaled community core and community gathering places. The General Plan Update, including the land use diagram, was formulated to reflect this preferred growth scenario. For example, the allowed density of development in some established community core areas would be increased in order to promote a more sustainable land use pattern, where more homes are located in close proximity to jobs and services and land outside of community areas is conserved for open space uses and resource protection. However, such increases are not tied to meeting a specific quantity of growth. As stated above, the quantity of anticipated growth can already be accommodated by the 1996 land use diagram. The proposed changes to the land use diagram would influence the pattern of that growth and development.

The Distinctive Communities Growth Scenario and the associated land use designation changes would continue and strengthen past development practices within the County to focus growth into identified communities. A review of building permit data for the years 2008 to 2018 demonstrates that development has already been focused in identified communities, with the majority of building permits occurring within or near identified communities:

- Fifty-five percent of single-family home permits issued during this timeframe were within identified communities. This distribution is expected given that property owners are entitled to the development of a single-family home in most designations. Therefore, within identified communities there is a large availability of property zoned for single family residences. When the analysis is expanded to include a 1,000-foot buffer around identified communities, the proportion of building permits within and adjacent to identified communities increases to 64 percent, and when the buffer is expanded to 2,000 feet, the proportion increases to 69 percent. When choosing a parcel for construction, the majority of land owners are choosing land within or near an identified community. This may reduce construction costs where infrastructure such as roads, power, sewer, and water service likely already exist. Additionally, services such as jobs, shopping, and schools are typically located within identified communities. Residents are choosing to locate near identified communities, and while information does not exist to ascertain exactly why a certain location is chosen, most of the identified communities have desirable services that are not as readily available in rural areas of the County. There is no evidence to suggest that this development trend will change.

- All six building permits for multi-family development (i.e., 100 percent) occurred within an identified community.

- For commercial building permits, 83 percent were located within identified communities.

The policies in the Community Development and Design Element that direct the County to designate adequate land for various types of development are intended to support the land use designations already included on the land use diagram. The General Plan Update policies and land use diagram are part of the same Plan, a single package that would be adopted by the County. The policies are not calling for the County to make future changes to the General Plan to accommodate development. Instead, they are providing the policy context for the General Plan land use diagram that is included in the General Plan Update.

As stated on pages INTRO-6 to INTRO-7 of the General Plan Update, although the General Plan is based upon the assumption that Tuolumne County will reach the projected population, it does not promote the growth of the County's population to that level. The philosophy of the General Plan is to assume that the County will be prepared and able to accommodate the projected growth, while at the same time, it will adhere to policies that define where and how development will occur. The General Plan Update provides guidance in determining the appropriate or desirable locations for this growth, thereby discouraging an unnecessarily scattered pattern of development, which often results in extraordinary demands on public services, above average public service costs, and unnecessary and avoidable destruction or degradation of valuable resources.

3.2.3 Master Response 3: Agricultural Policies

Many public comments expressed concern about the re-designation of land currently designated for agricultural purposes to another use, and about policies and implementation programs in the General Plan Update that provide exceptions to the County's agricultural conservation policies and that promote agritourism.

RE-DESIGNATION OF AGRICULTURAL LAND

As reported in the General Plan Update RDEIR, the State Farmland Mapping and Monitoring Program (FMMP) has not mapped farmland in Tuolumne County. Therefore, in order to assess agricultural land conversion impacts under CEQA, the RDEIR considers the extent of the area that would be re-designated from Agricultural to another use.

In Section 3.2, "Agricultural and Forest Resources," the RDEIR states: "in Tuolumne County [the NRCS soils database on the Web Soils Survey] 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 (RDEIR, p. 3.2-4)." As explained on page 3.2-9 of the RDEIR, Important Farmland (i.e., Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as mapped by the FMMP) is primarily found within California's Central Valley, where optimal soil quality, growing season, moisture supply, and irrigation are available. Tuolumne County's soil conditions do not typically support Important Farmland, and land designated in Tuolumne County for Agricultural is primarily used as grazing lands, which are not considered Important Farmland under CEQA. The FMMP has mapped Important Farmland in neighboring Mariposa County, which has similar physical characteristics, and indicates that less than 300 acres in Mariposa County are considered Important Farmland, with less than 20 acres classified as Prime Farmland. Therefore, it is unlikely that a substantial acreage of land in Tuolumne County would quality as Important Farmland.

A comment received on the RDEIR from the Tuolumne County Farm Bureau (see Comment Letter O6) indicates that the Central Sierra Nevada Foothills Soil Survey was made available online via the Web Soil Survey website as of October 1, 2018. This was after the RDEIR was released. Review of the NRCS soils information recently made available on the Web Soils Survey site reveals that approximately 3,300 acres in Tuolumne County soils could potentially be classified as Important Farmland; approximately 1,500 acres could classified as Prime Farmland (if irrigated), and approximately 1,800 acres could be classified as Farmland of Statewide Importance (no Unique Farmland was identified). See Exhibit 3-1 below. This means that less than 1 percent (0.3 percent) of the County's soils could potentially be classified as Important Farmland. (The Department of Conservation Important Farmland classifications depend not only on soil type, but on irrigation, slopes, property size, and historic agricultural use; therefore, just because the NRCS identifies soil types that could be characterized as Important Farmland does not mean that they would meet the Department of Conservation criteria.) This confirms the RDEIR's statement, which was informed by review of available soils data in similar, adjacent counties, that it is unlikely that substantial acreage of land that would qualify as Important Farmland, as defined by the FMMP, is present in the County (RDEIR, p. 3.2-9).

Further review of the newly available soils data reveals that over 2,000 acres of the 3,300 acres of land with soils that could potentially be classified as Important Farmland would be located in areas designated as

Agriculture under the General Plan Update. Just over 1,000 acres of soils that could potentially be classified as Important Farmland would be located in areas with land use designations that would allow some level of development (although most of this land would be designated for very low-density residential uses that would not preclude agricultural use).

Appendix G of the CEQA Guidelines identifies a significant impact under CEQA if a project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the FMMP, to a non-agricultural use. Because Tuolumne County has not been mapped by the FMMP, the County developed the Agricultural Rating Matrix to evaluate the value of agricultural land based on parcel size, productivity, availability of water, physical characteristics, adjacent land uses, adjacent roads, and proximity to utilities. The County uses the matrix to evaluate agricultural land conversion impacts under CEQA based on language in general plan policies and implementation programs; if a project would result in a change of rating from High-Value Agricultural Lands to Agricultural Lands of Local Importance or Limited Importance, the impact would be significant.

The RDEIR evaluated potential conversion of High-Value Agricultural Land and concluded that the impact is significant. Because the Agricultural Rating System Matrix does not consider the NCRS soil type, there is not a direct correlation between High-Value Agricultural Land and the soils classifications identified in the NRCS Web Soils Survey; however, because the Agricultural Rating System Matrix considers many of the same criteria as the FMMP (i.e., property size, slope, irrigation, historic agricultural use), it is likely that, completion of the Agricultural Rating System Matrix on a case-by-case basis would characterize land that would qualify as Important Farmland as High-Value Agricultural Land. To reduce impacts to High-Value Agricultural Land, the RDEIR includes Mitigation Measure 3.2-1. To ensure that this Mitigation Measure covers any Important Farmland that would not be identified by completion of the Agricultural Rating System Matrix, the following text revisions are made to Mitigation Measure 3.2-1:

Mitigation Measure 3.2-1: Evaluate ~~Land Using Tuolumne County's Agricultural Rating System Matrix~~ and Conserve High-Value Agricultural Land and Important Farmland 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 that includes the following requirements for evaluating development on lands with an Agricultural land use designation and/or on land identified by the latest NRCS soils data as containing potential Important Farmland ~~that includes the following requirements~~:

If land designated Agricultural (according to the General Plan land use diagram in the General Plan Update) is proposed for non-agricultural development and qualifies as High-Value Agricultural Land, as defined below, and/or if land is proposed for non-agricultural development that is identified by the most recent NRCS soils data as containing soils that could be classified as Important Farmland (i.e., Prime Farmland, Unique Farmland, or Farmland of Statewide Importance), as defined below, the County shall require the applicant to purchase agricultural conservation easements at a 1:1 ratio (acres preserved : acres converted) commensurate with the type of land that is being converted. Mitigation shall be required at a 1:1 ratio regardless of whether the land is High-Value Agricultural Land or Important Farmland [Prime Farmland, Unique Farmland, or Farmland of Statewide Importance]. Proof of the purchase shall be provided to the County prior to issuance of grading permits. The County shall determine whether land qualifies as High-Value Agricultural Land or Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as follows:

1. 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

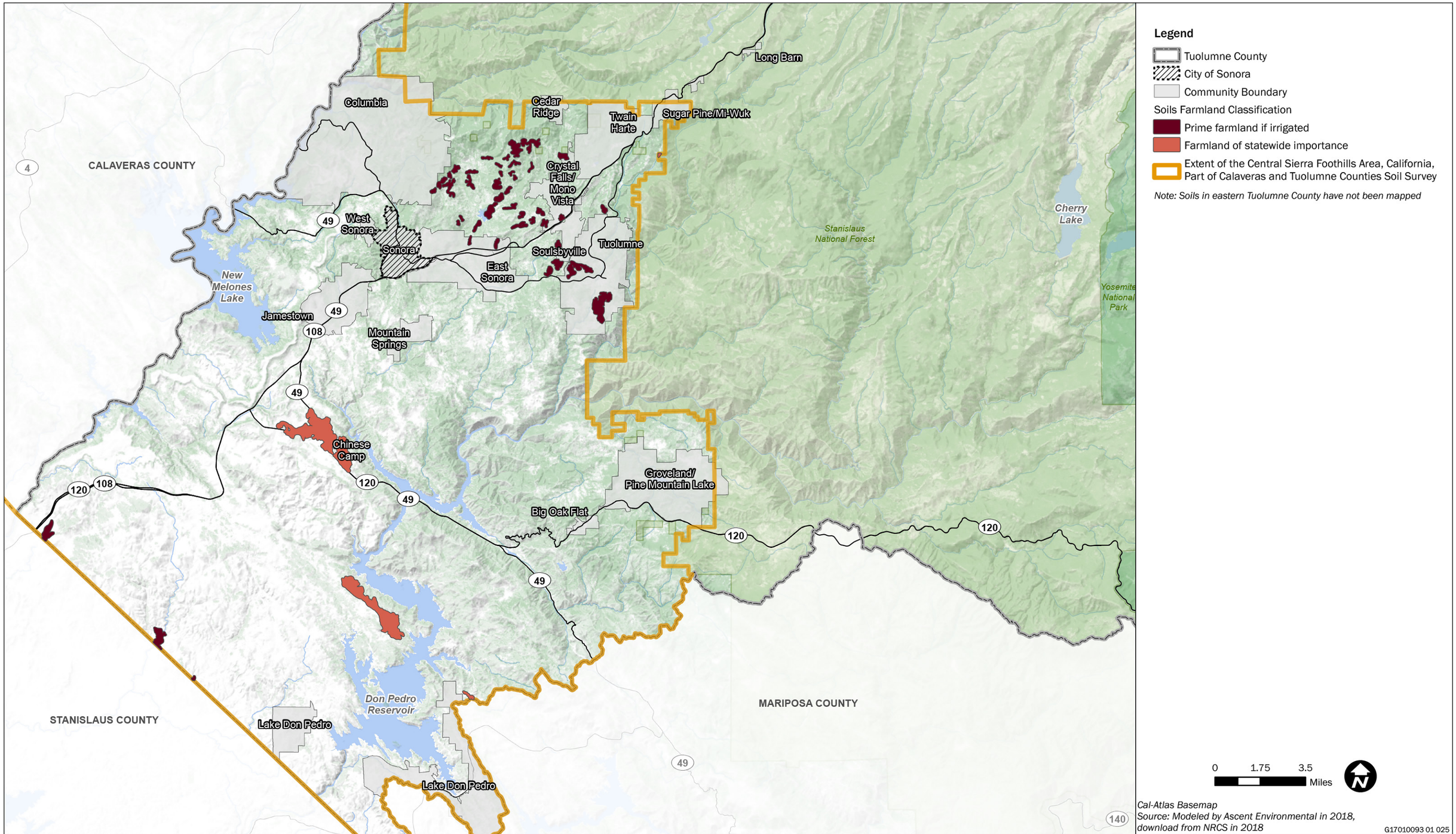

Exhibit 3-1

NRCS Soils Classifications for Farmland

that the land proposed for development does not qualify as High-Value Agricultural Land, ~~no further action is required~~the County shall continue to step 2. 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~~,~~ shall require the purchase of conservation easements as described above.~~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.~~

2. For any proposed non-agricultural development on land identified by the most recent NRCS soils data as containing soils that could be classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, the County shall require the purchase of conservation easements as described above. The applicant may elect to prepare a Land Evaluation Site Assessment to determine if or how much of the land proposed for development would actually qualify as Important Farmland (based on factors other than soil type) and to more accurately determine the specific type of Important Farmland (i.e. Prime Farmland, Unique Farmland, or Farmland of Statewide Importance) that would require purchase of conservation easements.

If a piece of land qualifies as both High-Value Agricultural Land and Important Farmland, compensatory mitigation will not be required for both farmland types.

As mentioned above, the RDEIR concluded that the impact related to farmland conversion is significant. The new soils data made available on the NRCS Web Soil Survey site provides additional clarification related to soils in the County that could be classified as Important Farmland, and review of the soils data confirmed the RDEIR's statement that it was unlikely that substantial amounts of Important Farmland occur within Tuolumne County. Revisions to Mitigation Measure 3.2-1 identified above expand the mitigation to apply to these soils. This would not change the RDEIR's conclusion that the impact would be significant and unavoidable after implementing mitigation. This information also does not increase the severity of this impact, but provides clarification associated with the impact to farmland already identified in the RDEIR. Therefore, this does not constitute substantial new information and recirculation of the RDEIR is not required.

Agricultural Land Value

The County's Agricultural Rating Matrix provides a mechanism to conduct an objective, site-specific evaluation to determine whether a project would reduce High-Value Agricultural Land to a lower value. For projects that are located on or adjacent to parcels with an Agricultural designation, County staff completes the matrix, using information about the project site from various sources, such as vegetation maps, topographical maps, hydrological maps, and soil maps. Often, the Agricultural Commissioner's Office provides information about current agricultural operations on the project site. Based on these criteria, the resulting score determines the agricultural land value. All such projects are reviewed by the County Agricultural Advisory Committee, an entity that is responsible for reviewing and recommending actions to the Board of Supervisors regarding consistency and compliance with various agricultural regulations and policies. This review process provides multiple opportunities for public comment on development applications, and it utilizes a transparent evaluation tool that is based on objective, clear, readily-available data that members of the public can access and, in turn, provides the opportunity for the public to give input on the agricultural land evaluation.

As discussed above, public comments noted that the NRCS has recently published a soil survey covering Tuolumne County. The County has previously used paper soil maps that were digitized in order to determine soil conditions on project sites. Now that this updated digital version is available, the County will use this data to support the Agricultural Rating Matrix evaluations going forward.

Projects that would impact High-Value Agricultural Land would be subject to mitigation, pursuant to Mitigation Measure 3.2-1 of the RDEIR. Specifically, the mitigation measure directs the County to require the

purchase of agricultural conservation easements at a 1:1 ratio (acres preserved: acres converted) for conversion of High-Value Agricultural Land. As shown above, Mitigation Measure 3.2-1 has been revised such that this requirement also applies to Important Farmland (which is likely to occur on property that would qualify as High-Value Agricultural Land).

Some comments also suggested that impacts to non-High-Value Agricultural Land should also be mitigated. Specifically, the Tuolumne County Farm Bureau commented that they consider all land currently used for agriculture to be considered high value (Comment Letter O6), and a member of the public commented that non-High Value Agricultural Land provides important habitat (Comment Letter I9). As described above, less than 1 percent of the soils in the County could potentially be classified as Important Farmland. Furthermore, as indicated in the beginning of the Agriculture Element, the Board of Supervisors has established objectives for the General Plan Update that promote sensible development within Tuolumne County, as outlined in the Overarching Vision, including achieving, enabling, and preserving maximum flexibility within the constraints of state and federal law. To require mitigation for development on any land designated Agricultural, regardless of its relative value, would far exceed State direction with regard to agricultural land preservation, in conflict with those General Plan Update objectives. Furthermore, the County's Agricultural Rating Matrix is a well-established tool that the Agricultural Advisory Committee, which includes members of the Farm Bureau, has long used to consider agricultural land impacts. Finally, as shown above, Mitigation Measure 3.2-1 has been revised such that the 1:1 conservation requirement applies to Important Farmland converted to a non-agricultural use.

Regarding the biological value of non-High-Value Agricultural Land, there are other, more appropriate mechanisms in place to protect habitat than simply relying on whether land has a designation of Agricultural. For example, as explained in Chapter 3.4, "Biological Resources," of the RDEIR, existing state and federal laws address potential habitat impacts through site-specific environmental review and permitting, such as requiring development and implementation of project-specific conservation measures to minimize or avoid impacts through the design process, providing compensatory or other mitigation for adverse effects on sensitive species, and providing habitat compensation for the unavoidable loss of riparian and aquatic habitats. See also Master Response 5 regarding wildlife policies.

Re-Designated Land Uses

Many of the approximately 4,500 acres that would be re-designated from Agricultural to a different designation would continue to allow and support agriculture. As reported on page 3.2-14 of the RDEIR, of the 4,509 acres that would be re-designated from Agricultural to a different use:

- 286 acres would be re-designated to Public because the land is under the jurisdiction of a local, State, or federal agency, and exempt from County land use regulations.
- 370 acres would be re-designated to Timber Production, which restricts residential development to one unit per 37 acres, a more restrictive density than the Agricultural designation, which allows two units per 37 acres.
- 3,589 acres would be re-designated to rural residential designations (i.e., ER, HR, RR, and LR). While these land use designations allow smaller lot sizes than the Agricultural designation (i.e., minimum parcel sizes ranging from 2 to 10 acres), they all include provisions about maintaining large areas of open space dedicated to agricultural pursuits, grazing, or left undisturbed. These smaller farms are, in fact, a significant portion of the agricultural lands in Tuolumne County. In contrast to the vast, land-intensive operations in the Central Valley, many Tuolumne County farms are specialized and located on small lots, such as bee-keeping operations, small livestock farms, and Christmas tree farms. A review of the agritourism operations in Tuolumne County listed in the Agritourism Market Study prepared by Lisa Wise Consulting in August 2018 indicates that over half are located on land that is designated for a rural residential use.

Therefore, for the majority of the 4,509 acres that would be re-designated from Agricultural to a different use, the new designation would continue to allow and support agriculture.

The remaining area, totaling 264 acres, would be re-designated to other uses, as follows:

- 241 acres would be re-designated to an urban land use, such as low density or medium density residential.
- 21 acres would be re-designated to Parks and Recreation to reflect current zoning.
- 2 acres would be re-designated to Neighborhood Commercial to reflect current zoning.

These 264 acres that would be re-designated to an urban use are generally located within or adjacent to identified communities, supporting a sustainable and efficient land use pattern that focuses development to locations that already have established services and infrastructure, which in turn supports the Board of Supervisors' objectives for the General Plan Update that promote sensible development within Tuolumne County, as outlined in the Overarching Vision, including promoting development that reflects the values and vision of the community and the delivery of efficient and cost-effective public services.

The RDEIR concludes that the impact related to conversion of High-Value Agricultural land is significant and unavoidable after implementing feasible mitigation.

EXCEPTIONS TO AGRICULTURAL CONSERVATION POLICIES

Some comments express concern about exceptions to the County's agricultural conservation policies, stating that these policy exceptions would result in significant impacts to agriculture and that they allow the Board of Supervisors to approve the conversion of agricultural land without any proof of need or mandatory criteria.

Policy 8.A.1 in the General Plan Update directs the County to avoid the conversion of agricultural land, and Policy 8.A.4 requires a buffer for development that is adjacent to agricultural land. The following policies and implementation programs provide exceptions to those policies:

- Policy 8.A.2 exempts land designated Agricultural that is less than 160 acres in size and surrounded by land that is not designated Agricultural or Public that is managed for open space uses. This policy also exempts parcels that are less than 80 acres in size, within 500 feet of a public water main, and adjacent to land designated for urban land uses. This exemption applies to both agricultural land conversion (Policy 8.A.1) and buffer (Policy 8.A.4) policies.
- Policy 8.A.3 exempts agricultural land 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. This exception applies to the agricultural land conversion policy (Policy 8.A.1).
- Implementation Program 8.A.b adds more detail for Policy 8.A.3, requiring that the exception be approved by the Board of Supervisors.

In addition, the Board of Supervisors cannot simply approve a project that would convert agricultural land without a full public process and making a series of findings. Any project that would change the designation of land from Agricultural to one that would support a development project would be required to go through a General Plan Amendment and re-zoning process, which includes public hearings and a project-specific CEQA review, providing multiple opportunities for public review and input. In addition, the Board of Supervisors would be required to make the following findings for a General Plan Amendment and Zone Change:

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

- The project site is suited to the uses permitted under the proposed land use designation.
- It is in the public interest to amend the Tuolumne County General Plan to allow future use of the project site which is consistent with the policies and programs of the General Plan and the land use patterns of the area surrounding the project site.
- The proposed General Plan Amendment has been reviewed pursuant to CEQA.

- Zone Change:
  - The proposed Zone Change is consistent with the Tuolumne County General Plan.
  - The proposed Zone Change is in accordance with the Tuolumne County Ordinance Code.
  - The project site is suited to the uses permitted under the proposed zoning districts.
  - The proposed Zone Change has been reviewed pursuant to CEQA.

Finally, the policy exceptions listed above do not affect the significant impact finding in the RDEIR. The General Plan Update would result in a significant impact due to the re-designation of approximately 4,500 acres from Agricultural to a different use, as discussed above. Eliminating the policy exceptions from the General Plan Update would not change that impact finding.

AGRITOURISM POLICIES

Several comments express concern about the policies and implementation programs in the General Plan Update and the associated proposed amendments to Title 17, Zoning, of the Tuolumne County Ordinance Code that relate to promoting agritourism. The comments state that the proposed policies and zoning provisions would allow uses that are inconsistent with agricultural purposes and that would adversely affect neighbors' quality of life.

The following policies and implementation programs in the General Plan Update support agritourism in Tuolumne County:

- Implementation Program 8.B.b directs the County to 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.E.1 directs the County to encourage agritourism activities that complement local agricultural production and promote tourism.
- Implementation Program 8.E.a directs the County to allow events on agricultural land that expose the public to agricultural issues and activities.
- Implementation Program 8.E.b directs the County to continue to allow recreational uses on agricultural land when such uses are compatible with on-site agricultural enterprises.
- Policy 8.E.3 directs the County to modify County regulations to facilitate the development and growth of the agritourism industry, including amendments to Title 17 to:
  - Allow farm stays, bed and breakfasts, guest ranches, and similar opportunities for people to experience a rural lifestyle on agricultural lands.
  - Provide for weddings, festivals, parties, and other types of public gatherings on land zoned for agriculture when such events are educational or accessory to the agricultural use of the land.
  - Provide for agritourism activities and events as permitted or conditional uses on nonagricultural land to promote agricultural products grown in the County.

As indicated in the policy language, the intent of these General Plan Update provisions and their implementing zoning regulations is to help farming operations in Tuolumne County remain viable and avoid conversion of agricultural land and changes to the way of life for many Tuolumne County residents.

The list of permitted uses proposed in the amendments to Title 17 is provided on page 3.2-23 of the RDEIR. Such uses support, and do not conflict with, agricultural operations. Amendments to Title 17 also include a new section (Section 17.52.220) that establishes limitations on the number and size of commercial agritourism events, as well as the following performance standards that protect adjacent uses:

- Standard C.2: The event venue, excluding parking areas, shall be located at least 200 feet from the boundary of the nearest parcel zoned R or RE.
- Standard C.3: The event parking areas shall be located at least 20 feet from the boundary of any parcel zoned R or RE.
- Standard C.4: All events shall occur between the hours of 10:00 a.m. and 10:00 p.m. excluding set up and clean up time. If an event is held entirely within an enclosed building after 10:00 p.m., the event may continue until 2:00 a.m.
- Standard C.5: Noise generated by the event shall not exceed a noise level of 60 dB L_{eq} (1 hour) from 10:00 a.m. to 7:00 p.m. or 50 dB L_{eq} (1 hour) from 7:00 p.m. to 2:00 a.m. as measured at a residence on any adjacent parcel.
- Standard C.8: At least one off-street parking space shall be provided for each two guests in attendance at the event. Parking areas shall be surfaced with gravel, asphalt or asphaltic concrete to reduce dust and be maintained free of vegetation. Alternatively, areas covered with grass or pasture areas may be used for parking provided the grass is trimmed to a height of no more than three inches.
- Standard C.9: On-site signage shall not exceed that necessary to identify the venue and direct traffic and shall be removed immediately following each event. On-site signage shall be in accordance with Chapter 17.62 of this Code. Off-site signage shall comply with Chapter 17.62 of this Code if the signage is located on private property.
- Standard C.10: Lighting shall not exceed that necessary to provide for the safety of guests attending the event. All lighting shall be low level, low intensity and directed downward toward the area to be illuminated to avoid creating glare for residents of the area or passing motorists.

These standards would also be strengthened through mitigation measures in the RDEIR, including Mitigation Measure 3.12-6, which requires preparation of an operation noise plan by an acoustical engineer that evaluates the potential for outdoor gatherings occurring during nighttime hours to exceed County noise standards, as well as prohibiting exterior amplified sound systems unless a speaker/amplification noise plan prepared by an acoustical engineer demonstrates that the amplified sound will not exceed County noise standards. In addition, Mitigation Measure 3.16-3 requires a traffic management plan. Mitigation Measure 3.16-3 also establishes annual ministerial permit requirements for commercial agritourism events, which will help to ensure that performance standards are met and provide a mechanism to track commercial agritourism operations.

In addition, the Agritourism Market Study prepared by Lisa Wise Consulting in August 2018 examines how the number of agritourism operations may increase through 2040 based on an analysis of historic growth rates, 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 predicts that a moderate range of 28 to 43 new agritourism operations is most likely by 2040, the horizon year of the General Plan Update. The study also shows that about 15 percent of current agritourism operations are for events venues, which would be the most noticeable agritourism use to neighboring uses. Therefore, only about four to six of the projected new agritourism operations would likely include events venues, which would be well-regulated as discussed above.

3.2.4 Master Response 4: Oak Woodlands Policy

Several public comments express concern about Implementation Program 16.B.j, which establishes thresholds of significance under CEQA for the conversion of oak woodlands, stating that the policy is too permissive of oak woodland conversion and that it weakens the existing policy in the 1996 General Plan regarding the loss of habitat value for oak woodlands. Comments also express concern about the difference between the oak woodland definition in the General Plan Update and how such areas are defined in the California Fish and Game Code.

Implementation Program 16.B.j establishes guidelines for determining whether a project would result in a significant impact to oak woodlands under CEQA. Specifically, this Implementation Program directs the threshold of significance to be either the reduction of total oak canopy cover onsite to below 10 percent or the loss of 10 percent or more of the oak canopy cover on the parcel, if the loss is determined to be substantial in consideration of the following:

- total acres and amount of woodland stand removed or disturbed, and amount retained on site;
- pattern of development or habitat loss onsite (e.g., clustered vs. dispersed);
- existing habitat functions and quality (e.g., intact/high-quality, moderately degraded, or severely degraded);
- stand age- or size-class structure;
- rarity;
- landscape position in relation to larger wildlife corridors, stream systems, or other important natural features;
- loss of valley oak (*Quercus lobata*) woodland, which is a sensitive habitat;
- proximity to other oak woodland patches and connectivity to large blocks of intact habitat; and/or
- contribution to a cumulative loss, degradation, or fragmentation of oak woodland across the County.

Several comments implied that this implementation program would minimize impacts by simply retaining 10 percent of oak woodland canopy on a parcel. This misrepresents the implementation program. As defined by the implementation program, a significant impact could occur in one of two situations: 1) reduction of oak canopy cover to less than 10 percent of the site, or 2) reduction of canopy cover by 10 percent. The first situation would most likely apply to a parcel that has a low pre-development percentage of oak canopy cover, in which development wouldn't remove more than 10 percent of the existing canopy, but would reduce the oak canopy cover on the parcel to below 10 percent. For example, on a parcel with 16 percent canopy cover, a development project could result in a significant impact if it removed oak trees such that the canopy was reduced to less than 10 percent. The second situation would most likely apply to a parcel with a higher pre-development percentage of oak canopy cover, in which the post-development canopy would still exceed 10 percent of the parcel, but development would reduce the pre-development coverage by more than 10 percent. For example, on a parcel with 46 percent canopy cover, a development could result in a significant impact if it removed oak trees such that the canopy was reduced to 36 percent or less. The ultimate significance determination would also be based on ecological and physical factors that are understood to contribute to habitat value, including total acreage, habitat functions and quality, position in relation to wildlife corridors and habitat connectivity, and contribution to cumulative loss. This implementation program provides the County with the flexibility to determine the quality of the existing habitat on a project-by-project basis considering the existing conditions on the site.

In response to comments requesting that this implementation program specify that a trained professional be consulted to determine whether the loss of oak canopy is substantial, the County will revise the text of the second bullet of Implementation Program 16.B.j as follows:

> For parcels with 10% or greater native oak canopy cover (i.e., parcels with oak woodland, as defined in the General Plan), a significant impact to oak woodland includes tree removal that reduces the total oak canopy cover onsite to below 10% (i.e., conversion to non-oak woodland), or a loss of 10% or greater of oak canopy woodland stand on the parcel, if the conversion or loss is determined <u>by a trained professional</u> to be substantial in consideration of, but not limited to, the following:…

The 1996 General Plan addresses the loss of oak woodland habitat in Policy 4.J.6, which requires new development subject to CEQA to achieve 'no net loss' of habitat value for oak woodlands and other sensitive habitats through avoidance or appropriate mitigation. The General Plan Update replaces that policy with Implementation Program 16.B.j in order to take into account the site-specific factors that contribute to the oak woodland community. Implementation Program 16.B.j was written in coordination with a professional wildlife biologist from Ascent Environmental. The policy provides sound guidance for the County to consider potential impacts to oak woodlands from new development that is based on a scientific understanding of the ecological value of oak woodlands as important habitat and of the factors that contribute to the success and value of oak woodland communities. Therefore, the policy change shifts from a one-size-fits-all approach to a more tailored and scientific approach.

This policy revision is consistent with the Board of Supervisors-established objectives for the General Plan Update that are articulated at the beginning of each chapter in the Overarching Vision statement, including an objective to promote development that reflects the values and vision of the community and implements the latest scientific changes and advances, and an objective to achieve, enable, and preserve maximum flexibility within the constraints of state and federal law.

Finally, as noted in a comment on the General Plan Update, the definition of oak woodlands provided in Implementation Program 16.B.j differs from the oak woodlands definition in the California Fish and Game Code. The main difference is that the Fish and Game Code definition includes oak stands that may have historically supported greater than 10 percent canopy cover, while the General Plan Update definition does not address historical canopy. The County is not obligated to use the same definition of oak woodlands as provided in State Codes. The County values oak woodlands and the habitat that they provide, but finds the expanded definition from the State Fish and Game Code to be too restrictive and onerous for property owners in Tuolumne County, especially given the additional analysis and data required to determine whether a parcel has historically supported oak woodlands, in light of the Board of Supervisors-established objectives identified above. Furthermore, the intent of Implementation Program 16.B.j is to establish a threshold of significance under CEQA, and CEQA does not consider historic conditions; rather, impacts are identified based on a comparison of the proposed project to the conditions on the ground at the time of the evaluation.

3.2.5 Master Response 5: Wildlife Policies

Several comments indicate that the policies and implementation programs in the General Plan Update that address wildlife and habitat protection are not effective, and suggest that the General Plan should maintain the requirement that the 1987 Wildlife Handbook be used to mitigate habitat impacts. Comments also request more detail about the timeframe to implement future actions called for in this section of the General Plan Update.

TUOLUMNE COUNTY WILDLIFE HANDBOOK

Overview

Implementation Program 4.J.a of the 1996 General Plan states that the County shall maintain a Biological Resources Conservation Program that requires a land owner and/or applicant requesting a discretionary entitlement subject to CEQA to mitigate impacts to biological resources in the manner set forth in the "Tuolumne County Biological Resources Conservation Handbook." On December 26, 1996, the Board of Supervisors, through Resolution 230-96, designated the 1987 Wildlife Handbook as the interim handbook until adoption of a future biological resources conservation handbook, which would then supersede the 1987 Wildlife Handbook. However, a biological resources conservation handbook was never adopted despite several planning efforts with the community at large and key stakeholders, and the 1987 Wildlife Handbook remains the interim handbook in use today.

On December 16, 1997, the Board of Supervisors adopted Resolution 270-97 clarifying that use of the 1987 Wildlife Handbook is one option available to land developers to mitigate impacts to wildlife and its habitat. Developers are not required to use the 1987 Wildlife Handbook and can opt to hire a qualified consultant to prepare a site- and project-specific study to determine potential impacts and identify appropriate mitigation.

The primary purposes of the 1987 Wildlife Handbook were to: a) establish consistent mitigation for potential impacts to biological resources pursuant to CEQA; b) encourage a streamlined development process relative to biological resources; c) provide predictability for developers; and d) institute a sound approach for conserving biological resources without the necessity for project-by-project consultations with state and federal agencies.

The 1987 Wildlife Handbook is structured using a priority system relative to biological resources. This priority system consists of a hierarchy with resources such as endangered species being on the upper tier of the system and common biological resources such as areas already disturbed by development at the lowest tier. Within the handbook, this translates into the use of First, Second, Third, and Fourth Priority Biological Resource designations to identify the relative sensitivity of a biological resource to disturbance from development; the habitat's relative value to plants, fish, and wildlife; and the comparative abundance of the biological resource Countywide. Once the value of the resource has been established using this hierarchy system, a series of mitigation measures are included to reduce any impact to the resource to a less-than-significant level.

Limitations

The 1987 Wildlife Handbook has served the County and its citizens well since its adoption. However, the document is over 30 years old and, since its adoption, new research in the fields of plant and animal biology and ecology have updated our understanding of how to protect sensitive species. Also new state and federal regulations have been adopted concerning biological resources, and new species have been listed as threatened or endangered, and some have been delisted.

Relationship to the General Plan

As noted above, the 1996 General Plan requires that development mitigate impacts to biological resources based on the guidance in the 1987 Wildlife Handbook, and the Board of Supervisors subsequently adopted a resolution clarifying that use of the handbook is an option, with an alternate approach being to hire a qualified consultant to prepare a site- and project-specific study to determine potential impacts and identify appropriate mitigation.

Policy 16.B.6 in the General Plan Update directs the County to allow property owners to utilize the 1987 Wildlife Handbook to assist in designing mitigation for impacts to biological resources resulting from new development. This policy direction essentially continues the County's current practice, which provides the option to use the 1987 Wildlife Handbook to guide mitigation efforts, as well as the option to conduct site-specific evaluations to determine appropriate mitigation.

While, as described above, the 1987 Wildlife Handbook has limitations, it still remains a valuable tool to aid in wildlife habitat conservation efforts. It provides a standardized and consistent approach to wildlife habitat mitigation, and can be used by project applicants when hiring a biology consultant would be infeasible or when the project site does not include complex biological issues. In addition, it is useful to County staff when reviewing biological reports prepared by project applicants, providing a metric by which staff can review a biological report and focus review on key habitat considerations.

Therefore, Policy 16.B.6 in the General Plan Update maintains the 1987 Wildlife Handbook as one of a menu of options to guide mitigation, while Implementation Program 16.B.k recognizes its limitations, particularly with regard to changes in state and federal regulations.

EFFECTIVENESS OF WILDLIFE POLICIES

A number of public comments indicate that the General Plan Update wildlife policies are ineffective due to the use of weak language. While many of the policies and implementation programs that are cited in these comments use words like “support,” “encourage,” and “recognize,” they still provide important policy guidance to County decision-makers. Not every policy and implementation program can be a strict requirement; to do so would result in an overly-rigid Plan that is impossible to implement. At the general plan level, policy guidance needs to provide some flexibility so that decision-makers can balance sometimes competing demands that arise on a project-by-project basis. The General Plan policy guidance is intended to provide a framework within which to make decisions. It also provides a framework for other, more detailed regulations that implement its policy guidance to be developed, such as those found in Title 17, Zoning, of the Tuolumne County Ordinance Code, which provide strong and prescriptive requirements for new development.

Meanwhile, there are numerous strict regulations that protect wildlife and its habitat in place under state and federal law. For example, as explained in Section 3.4, “Biological Resources,” of the RDEIR, existing state and federal laws address potential habitat impacts through site-specific environmental review and permitting, such as requiring development and implementation of project-specific conservation measures to minimize or avoid impacts through the design process, providing compensatory or other mitigation for adverse effects on sensitive species, and providing habitat compensation for the unavoidable loss of riparian and aquatic habitats. The policies and implementation programs in the General Plan Update provide local context for these existing state and federal wildlife and habitat protection requirements.

FUTURE ACTIONS

Several public comments questioned the timing to implement some of the wildlife-related policies that direct the County to undertake a future action, such as developing a Natural Resources Division and developing an incentive program to encourage conservation. Once the General Plan Update is adopted, the Board of Supervisors will identify priority actions and implement them based on funding availability.

Typically, unless required by state law or other mechanism, cities and counties do not include specific timeframes within which to implement actions in the main body of their general plans. Given the long-term nature of a general plan and the cumbersome process required to update it, most cities and counties adopt an implementation plan that is separate from their general plan. This approach provides for more flexibility to continually update and maintain the implementation plan based on the priorities of the community and their elected decision-makers, as well as funding availability.

3.2.6 Master Response 6: Fire Safety

WILDLAND FIRE

Several comments on the RDEIR indicate that policies and implementation programs in the General Plan Update that address wildfire risk are too general, and call for policies and/or implementation programs to be added that would prohibit new discretionary development in areas that are subject to extreme wildfire risks. The questions relevant to the analysis of impacts under CEQA are whether the project (the General Plan Update) would exacerbate the risk of wildfire hazards to the point of a significant hazard and whether it would result in the need for new fire facilities, the construction of which could result in environmental impacts.

In Goal 17E and its associated policies and implementation programs, the County sets forth the main policy guidance for the County with respect to protection from wildfire hazards. Among these policies and implementation programs include reducing risk by only allowing development in high or very high hazard areas if it can be made safe by planning, construction, or other fire safety measures. Policies and programs also recognize that clustering and setbacks can aid in reducing wildfire hazards.

Other policies included under Goal 17E that address reducing wildfire hazards include the use of California Building and Fire Codes and requiring new development to have adequate fire protection, which may include design and maintenance features. Policies and implementation programs under Goal17E also require new development to minimize wildland fire hazards, incorporate fire protection measures, and provide safe access. As stated in the General Plan Update, the County relies on consultation with fire agencies to ensure that new development is constructed in a manner compliant with wildfire-related regulations. Implementation Program 17.E.d requires developers to incorporate fire protection improvements where determined necessary by the Tuolumne County Fire Department. This review is done during consideration of discretionary entitlements prior to the completion of any staff reports or public hearings. These improvements could include fuelbreaks, green belts, long-term comprehensive fuel management programs, access to developed water sources, helispots, and perimeter road systems, which all serve to reduce the fire hazard on project sites as well as adjacent property.

Along with Goals 9G and 9H and their corresponding policies and implementation programs, the policies and implementation programs listed above provide a comprehensive approach to minimizing wildfire hazard impacts associated with new development and would avoid risks of exacerbating wildfire risk from new development. Outright prohibitions on new discretionary development in areas at risk of wildfire would contradict the Board of Supervisors-established objectives for the General Plan Update and the Overarching Vision statements repeated throughout the General Plan Update. Specifically, these objectives include promoting development that reflects the values and vision of the community and implementing the latest legal, statutory, scientific, and technical changes and advances, such as those related to wildfire hazard mitigation, and achieving, enabling, and preserving maximum flexibility within the constraints of State and federal law.

On December 19, 2017, the Board of Supervisors adopted the 2018 Tuolumne County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) and submitted it to the Federal Emergency Management Agency (FEMA) for approval. FEMA approval is expected in spring 2019. The General Plan Update incorporates the 2018 MJHMP into the Public Safety and Natural Hazard Elements by reference. The MJHMP provides further direction to assist in the planning of fire-safe and fire resilient communities, such as:

GOAL 2: Ensure that future development is protected from natural disasters.

- Objective 2: Limit new development in hazardous areas, and as permissible, build to standards that will prevent or reduce damage.

- **Mitigation Action 2A**: Educate the County and City planning staffs, administrative staffs and elected officials on the importance of keeping current on trends and developments in disaster preparedness.

- **Mitigation Action 2B**: Encourage planning staffs to attend seminars and lectures on naturally occurring hazards so that they may better assist the appropriate governing bodies as they process future developments.

- **Mitigation Action 2C**: In order to better protect life and property, continue to develop a more accurate and comprehensive series of countywide GIS geology, fire, and flood maps and data sets.

GOAL 3: Build and support local capacity and commitment to minimize the jurisdictions within Tuolumne County's vulnerability to potential hazards.

- **Objective 3.1:** Improve existing capabilities to manage emergency situations.

- **Objective 3.2:** Enhance the safety of residents, students and staff within the community and jurisdictions.

- **Objective 3.3:** Enhance the communications between agencies to support emergency response.

  - **Mitigation Action 3.2C**: Assist the County in identifying opportunities for additional evacuation routes within single-access areas.

GOAL 5: Minimize the level of damage and losses to people, existing and future critical facilities and infrastructure due to wildland fires.

- **Objective 5.1:** Continue the comprehensive approach to reducing the level of damage and losses due to wildland fires through vegetation management, code enforcement, GIS mapping, and planning process.

  - **Mitigation Action 5.1A**: In order to assist fire prevention efforts and to better manage large fires when they occur, continue to improve GIS mapping and tracking efforts by gathering and maintaining relevant GIS data layers and imagery and utilizing the best available mapping applications and software.

  - **Mitigation Action 5.1B:** Continue to work with the Hwy 108 Fire Safe Council, Yosemite Foothills FireSafe Council, and SWIFT to initiate fuel thinning and chipping projects in high priority areas. Collaborate with property owners and regulatory agencies in order to utilize prescribed fire on private and state owned lands in the county.

  - **Mitigation Action 5.1C**: Work with the Hwy 108 Fire Safe Council, Yosemite Foothills Fire Safe Council, and SWIFT to update as needed the Community Wildfire Protection Plans for the County so that they will continue to:

    - Assess the fire hazard in the County
    - Prioritize treatment areas
    - Enhance collaboration amongst all fire agencies and stakeholders
    - Streamline environmental review processes

  - **Mitigation Action 5.1D**: Develop a wildfire evacuation plan which includes sheltering in place at Curtis Creek School.

The County's policy framework is consistent with updated State regulations that reflect the County's current understanding of wildfire threats, and additional policies that would prohibit discretionary new development in extreme wildfire hazard areas are not warranted. Further, the MJHMP is required to be updated every five

years, which provides continual opportunity to respond to evolving wildfire hazard issues, responses, and solutions.

Other ways that Tuolumne County is addressing the reduction of wildfire hazards is with the County's Office of Emergency Services response to dead and dying trees. With recent drought and bark beetle infestation, Tuolumne County has thousands of dead and dying trees that are threatening public safety and infrastructure. The County is taking action to work towards minimizing hazardous dead trees which is significantly reducing wildfire exposure in the communities where the removals are occurring. On September 18, 2015 the Board of Supervisors proclaimed a Local State of Emergency due to pervasive tree mortality. This allows the County the ability to remove dead and dying trees that threaten public infrastructure, including those which are located on private property.

To date, the County's tree mortality program has completed 44 projects consisting of approximately 6,500 trees felled and taken to the County's woodsort yard to be converted to biomass. The County has utilized several funding sources to remove the hazard mortality trees, including funds from the California Disaster Assistance Act, various CAL FIRE grants, and an agreement with the US Forest Service to conduct this work as well as expended a little over $400,000 as a share of cost to the County. Expenses for these operations have totaled approximately $4 million and operations are still ongoing. Currently, 3,000 additional hazard trees have been identified and are in the process of being removed by the end of 2018.

In addition to the County's hazard tree removal activities, the agencies and utilities listed below are engaged in removal of hazard trees in Tuolumne County:

- **PG&E:** PG&E contracts with ACRT to mark trees that threaten PG&E power lines. PG&E also contracts with various tree removal companies such as Mountain Enterprises, Utility Tree Service, and Phillips and Jordan. The Community Wildfire Safety Program was also initiated in 2018 which is an extension in PG&E's efforts towards fire prevention and debris removal.

- **Caltrans**: Caltrans is removing trees that threaten state highways, such as Highway 108, Highway 120, Highway 49, etc.

- **Tuolumne Utilities District**: TUD is removing trees that threaten their flume, ditch, and water treatment infrastructure. TUD has marked those hazard trees that qualify for their program and will begin the tree removal process soon.

- **Twain Harte Community Services District**: THCSD has identified dead trees that have the potential to damage their infrastructure (water, sewer, structures, etc.). Starting in 2017, THCSD began removing marked hazard trees.

The removal of dead trees within Tuolumne County, with much of the work occurring within identified communities, is reducing wildfire risks to the existing landscape. This effort will continue into the planning horizon of the General Plan Update.

Lastly, the County relies on adopted codes and regulations to reduce wildfire risk throughout the County. Over the past 25 years, many regulations have been adopted at the State Agency level and provided to local agencies to address how new buildings and developments respond to and minimize the effects of fires and wildfires. The application and enforcement of Public Resources Code sections 4290 and 4291, as well as the provisions of The California State Fire Marshal's "Wildland Urban Interface" regulations, contained in Title 24 of the California Code of Regulations address, in part, how new buildings and sites should be arranged and constructed to allow for greater access, improved evacuation routes, consistent maintenance of defensible space and the reduction of conflagration of structures. The California Fire Code addresses many fire hazards and how to effectively address ignition, growth, and spread of fire. Below are a few areas where the Fire Code addresses or gives the authority to address fire hazards:

- One of the most successful advancements in modern fire code/building code is the requirements for installation of fire sprinkler systems. Where sprinklers were present, flame damage was confined to the room of origin in 97 percent of fires compared to 74 percent of fires without AES (automatic extinguishing systems).
- Fire prevention departments have authority to conduct fire inspections in order to identify fire hazards, reduce risk and ensure compliance with California fire code.
- Fire prevention departments provide enforcement to ensure new construction complies with California Fire Code, and that both fire alarm and fire sprinkler systems are installed complying with NFPA standards
- CAL FIRE has a prevention division that enforces defensible space and performs 4291 (Defensible space inspections) to help identify and mitigate fire hazards in residential properties.

The development and implementation of these regulations is conducted with attention to improving the fire and life safety of all California communities. It is through the application of these standards that new development will be afforded a greater level of fire safety, as compared to developments undertaken prior to these regulations and as a result the threat to the community from fire and wildfire type events is reduced.

In addition, the Tuolumne County Ordinance Code contains provisions intended to reduce ignition risk. Pursuant to TCOC section 15.20.080, private fireworks are prohibited in the County, and professional public fireworks displays require a permit from the County Fire Prevention Division. During construction and development, TCOC section 15.20.060(F) requires disposal of flammable vegetation and fuels via chipping, burying, burning or removal to an approved disposal facility. Additionally, Public Resources Code sections 4442 and 4443, and the corresponding regulations set forth in 14 CCR 1240 et seq., require spark arresters on all portable gasoline powered equipment in wildland areas.

Please also see response to comment O5-20, which provides discussion related to specific wildfire topics raised in that comment.

3.3 COMMENTS AND RESPONSES

The written individual comments received on the RDEIR and the responses to those comments are provided below. The comment letters are reproduced in their entirety and are followed by the response(s). Where a commenter has provided multiple comments, each comment is indicated by a line bracket and an identifying number in the margin of the comment letter.

3.3.1 Government and Agencies

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY EDMUND G. BRO

Letter G1

DEPARTMENT OF TRANSPORTATION
DISTRICT 10 PLANNING DIVISION
P.O. BOX 2048, STOCKTON, CA 95201
(1976 E. DR. MARTIN LUTHER KING JR. BOULEVARD 95205)
PHONE (209) 948-7325
FAX (209) 948-7165
TTY 711
www.dot.ca.gov

Making Conservation a California Way of Life.

October 8, 2018

10-TUO-Post Mile (PM) Various
Tuolumne County 2018
Draft Recirculated Environmental Impact Report for the General Plan Update Project
State Clearinghouse (SCH#) 2015082027

Ms. Quincy Yaley, Assistant Director
Tuolumne County Community Resources Agency
2 South Green Street
Sonora, CA 95370

Dear Ms. Yaley:

The California Department of Transportation (Caltrans) appreciates the opportunity to review the Recirculated Tuolumne County 2018 Draft Environmental Impact Report (DEIR) for the General Plan Update and the 2018 General Plan Update. The DEIR assesses, discloses, and specifies potential environmental impacts and mitigation measures associated with the policies set forth in the General Plan. G1-1

Caltrans has reviewed the DEIR and General Plan Update mentioned above and has the following comments:

Air Quality

Section 3.3
Page 3.3-3 "Current Ambient Air Quality"
a. "The Tuolumne County portion of the MCAB is a nonattainment area for the state standards for ozone (CARB 2017) and is unclassified or in attainment ~~for the federal standards for ozone and~~ for the federal and state standards for CO, nitrogen dioxide, SO_2, PM_{10}, $PM_{2.5}$, and lead (CARB 2015)." G1-2
- Tuolumne County was designated Nonattainment-Marginal effective date August 3, 2018. See Federal Register publication here: https://www.gpo.gov/fdsys/pkg/FR-2018-06-04/html/2018-11838.htm

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b. Table 3.3-1 "Ambient Air Quality Data" - Use latest available data for most recent three-year set prior to plan approval. Provide number of days of state and federal exceedances for 1-hour and 8-hour Ozone data for 2015-2017 year range. This data is available on the "ADAM" database on the California Air Resources Board website. G1-2 cont.

Hydrology and Water Quality

Caltrans concurs with the findings and implementation (including policies implemented in the General Plan Update, Natural Hazards, Chapter 17 (17.C.1, 17.C.2, 17.C.3) and existing federal, state and locals rules and regulations) discussed in the DEIR, Section 3.10 regarding impacts to existing flood zones, storm water runoff and water quality due to proposed projects. G1-3

Transportation and Circulation

Section 3.16

a. There appears to be a lack of Traffic Demand Model (TDM) information in the DEIR. A short summary of TDM used for the study would be useful in the introduction of this section. G1-4
b. As stated in the DEIR: "The expected travel characteristics, including vehicle trips, the directionality of those vehicle trips, and primary travel routes associated with the General Plan Update would directly impact the circulation system of the City of Sonora." Please consider including a map that indicates where roadway segments are impacted by the General Plan Update project. G1-5
c. Page 3.16-1 "State Route (SR)108" - A State highway that runs northeast from the City of Modesto in the California Central Valley to U.S. 395 in Mono County, SR 108 runs concurrently with SR 49 and SR 120 near Jamestown and the City of Sonora in Tuolumne County. Throughout the County, SR 108 is generally a two-lane highway, with four-lane divided segments in some mountainous areas. SR 108 provides the City of Sonora with an important link to the Central Valley as well as to smaller communities in the eastern portion of the County." Please consider the underlined edits for clarity. G1-6
d. There are 6 alternatives of the General Plan Update. Was this TDM model applied for all 6 alternatives land use growth scenarios for the Future year – 2030 and 2040? G1-7
e. Page 3.16-2 "Public Transportation" - Yosemite Area Regional Transportation System (YARTS) is public transportation in the Yosemite region, operated by Merced County Association of Government (MCAG), but is not mentioned in this section. G1-8
f. Page 3.16-2 - SR 132 starts from I-580 in west San Joaquin County, runs through Modesto and Waterford in the Central Valley, runs through LaGrange and ends in

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Mariposa County. A small portion of the highway runs through Tuolumne County near LaGrange and County Highway J59.

g. Page 3.16-2 - In addition to the TCTC Bikeways and Trails Plan advocating for the construction of Class I and Class II bicycle facilities, consider also promoting construction of Class IV facilities as a type of facility that can provide bicycle safety.
h. Page 3.16-3 "Level of Service (LOS) Definitions" - "LOS A through F are assigned to an intersection or roadway segment, with LOS A indicating very good operations with little congestion and LOS F indicating poor operations with heavy congestion". Please consider using the term "delay" instead of "congestion." G1-8 cont.
i. Page 3.16-5 "Existing Traffic Operations" - "The conditions for all 152 roadway segments (including the 143 segments that are currently operating at acceptable LOS conditions) is provided in Appendix D of this EIR." The list of the 143 segments is missing in Appendix D of this DEIR.

Caltrans supports the General Plan policies and goals to reduce vehicle miles traveled, including:

a. Goal 1C: Promote a jobs-housing balance in the County and encourage new communities to be designed to provide a jobs-housing balance.
Page 4.3 Implementation 4.A.c.3 that states transportation "Projects needed to reduce vehicle miles traveled by improving the use of other modes of transportation, including, but not limited to, public transportation facilities (transit facilities and stops), park and ride facilities, bikeways, non-motorized trails and pedestrian facilities."
b. Page 4-6 Policy 4.A.7 that states "When appropriate and feasible, support sustainable communities strategies to reduce vehicle miles traveled."
c. Page 4-8 Implementation 4.B.q that states "Consider developing an impact fee program whereby all development would contribute towards the construction of pedestrian facilities to reduce vehicle miles traveled consistent with the California Environmental Quality Act." G1-9
d. Page 4-9 Implementation 4.B.u that states "Support private efforts to construct bicycle and pedestrian facilities between high use areas as a means to reduce vehicle miles traveled. Consider crediting the cost of such facilities towards traffic impact mitigation fees."
e. Page 4-11 Policy 4.C.5 that states "Support the development of medium and high-density housing, commercial and offices along transit routes."
g. Page 15-2 Implementation 15.A.e that states "Require proposed new development projects to analyze their contribution to increased traffic and to implement, as needed, transportation demand management measures or other improvements to reduce vehicle miles traveled, which, in turn, reduces air pollutant and GHG emission."

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General DEIR Analysis

a. Page 2 "Traffic Study" - It is noted that the Distinctive Communities (Proposed) scenario is projected to produce the least countywide VMT under both year 2030 and year 2040 conditions. Given that General Plans may have long intervals between updates, Caltrans suggests that the County analyze VMT per capita in preparation for anticipated SB 743 implementation.
b. Governor's Office of Planning and Research's SB 743 Technical Advisory states "As with projects, agencies should analyze VMT outcomes of land use plans over the full area over which the plan may substantively affect travel patterns, including beyond the boundary of the plan or jurisdiction's geography. Analysis of specific plans may employ the same thresholds described above for projects. A general plan, area plan, or community plan may have a significant impact on transportation if it is not consistent with the relevant RTP-SCS." G1-10

- In preparation for SB 743 implementation, Caltrans suggests that the County analyze VMT over the full area over which the plan may substantially affect travel patterns, for instance, into and between neighboring counties.

DEIR Traffic Study Addendum, dated 8-16-18 from Wood Rodgers:

a. Page 2 states the estimated VMT decreased because some roadway widening projects are not funded under current FEP-CIP, yet page 4 shows that some of these roadways mentioned will have improvements. Are the improvements listed on page 4 **excluded** from the list of improvements that will not be funded? Page 8 and page 10 mention widenings and other improvements as the proposed mitigations, if these are not funded how will these be mitigated? G1-11

- To reduce VMT did they promote increased transit, carpooling, increase biking and pedestrians rather that base on the roadway improvements?

b. Page 2 states warrant 3 is met for Intersection 11 (SR 49-SR 108/SR 108 and SR 49 (Stockton Road). If this does not meet all warrants necessary to determine a signal installation, were there other measures evaluated to improve this intersection?
c. Page 5, Table 3 indicates at Year 2030 there will be 11 intersections that will have an acceptable LOS yet the only improvement to be done by FCEP-CIP will be Roadway 24 (SR 49/SR 108, between Bell Mooney Rd & Fifth Avenue). Will any improvement be made for the other 4 intersections since the other 7 will be improved by 2040?

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d. Page 1 of the memo states VMTs are based on travel demand model. In preparation for SB-743 implementation, Caltrans suggests that the county analyze VMT per capita over the full area over which the plan may substantially affect travel patterns, for instance, into and between neighboring counties. G1-11 cont.
e. Caltrans LOS standards in rural areas for roadway segments and intersections is LOS C.

Caltrans recommends that traffic impact fees be collected for future multimodal improvements to reduce vehicle miles traveled (VMT) and to mitigate cumulative impacts to the State Highway System. G1-12

If you have any questions or would like to discuss these comments, please contact me at (209) 948-7325 (e-mail: gregoria.ponce@dot.ca.gov).

Sincerely,

GREGORIA PONCE, Chief
Office of Rural Planning

c: David Gonzalves, Director, Tuolumne County Community Resources Agency
Darin Grossi, Executive Director Tuolumne County Transportation Council

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Letter G1	California Department of Transportation, District 10 Gregoria Ponce, Chief, Office of Rural Planning October 8, 2018

G1-1 The comment is an introductory statement that does not specifically address the content, analysis, or conclusions in the RDEIR. Therefore, no response is required.

G1-2 The commenter has stated that Table 3.3-1, "Ambient Air Quality Data," of the RDEIR does not include the most current information on the number of days of state and federal exceedances for 1-hour and 8-hour Ozone threshold. In response to this comment, the first sentence of the second paragraph on page 3.3-3 in Section 3.3, "Air Quality," of the RDEIR is revised as follows:

> The Tuolumne County portion of the MCAB is a nonattainment area for the state standards for ozone (CARB 2017) is in nonattainment for the federal 8-Hour standard, and is unclassified or in attainment ~~for the federal standards for ozone and~~ for the federal and state standards for CO, nitrogen dioxide, SO_2, PM_{10}, $PM_{2.5}$, and lead (CARB 2015).

The following changes have been made to Table 3.3-1 on page 3.3-3 of the RDEIR to include the number of days of state and federal exceedances for 1-hour and 8-hour Ozone threshold for the years 2015 through 2017.

> As shown in Table 3.3-1, the state and federal 8-hour ozone standards were exceeded multiple times between ~~2014~~ 2015 and ~~2016~~ 2017.

Table 3.3-1 Ambient Air Quality Data

Pollutant	~~2014~~ 2015	~~2015~~ 2016	~~2016~~ 2017
Ozone, ppm, 1-hour			
Number of days of state exceedances (>0.09 ppm)	~~0~~1	~~1~~3	~~3~~0
Ozone, ppm, 8-hour			
Number of days of state exceedances (>0.070 ppm)	~~16~~11	~~11~~45	~~45~~25
Number of days of federal exceedances (>0.075 ppm)	~~2~~4	~~4~~25	~~2~~56

Notes: ppm = parts per million.
Data obtained from the Sonora-Barretta Street Monitoring Station, 251 S. Barretta Street, Sonora CA.
Source: CARB 2018

These revisions are also included in Chapter 4, "Revisions to the Draft EIR." The RDEIR evaluated impacts related to emissions of criteria air pollutants, including evaluation of ozone precursors. These changes provide clarification and do not change the conclusions of the RDEIR because they continue to reflect the fact that these standards have been exceeded.

G1-3 The California Department of Transportation's (Caltrans) concurrence with the findings in Section 3.10, "Hydrology and Water Quality," is noted.

G1-4 The comment states that there is a lack of information within the RDEIR related to the Traffic Demand Model (TDM). The comment recommends that a short summary of the TDM be included in the EIR. The comment offers no information that would alter or change the RDEIR analysis or conclusions. However, to address this comment and provide additional clarity, the following text is added to page 3.16-9 of the RDEIR (just before the heading "Year 2030 Volumes"):

Traffic Demand Model

TCTC completed a comprehensive update of the Tuolumne County Regional Travel Demand Model (TDM) in 2015. As part of the TDM update, a recalibrated base-year (2014/15) model and future year models for 2030 and 2040 were developed. The 2030 and 2040 TDM roadway networks were updated based on the improvements included in the current FCEP-CIP list. The 2030 TDM roadway network was updated to assume Tier 1a and Tier 1b projects would be in place and the 2040 TDM roadway network was updated to assume that Tier 1c projects would be in place. These models were used to extract updated VMT estimates and traffic volumes.

This text change is also identified in Chapter 4, "Revisions to the Draft EIR."

G1-5 Figures 6-A through 6-D and Figures 7-A through 7-D in Appendix D of the RDEIR provide maps of the operating conditions along roadways within the project study area. Additionally, Table 3.16-6 on page 3.16-23 of the RDEIR provides all roadway segments that could operate at an unacceptable level of service (LOS) with implementation of the General Plan Update. The comment is a suggestion that does not specifically address analysis or conclusions in the RDEIR. No further response is provided.

G1-6 The comment suggests minor edits to the text on page 3.16-1 of the RDEIR describing State Route (SR) 108. The comment offers no information that would alter or change the RDEIR analysis or conclusions. However, to address this comment and provide additional clarity, page 3.16-1 of the RDEIR is revised as follows:

State Route 108

A state highway that runs northeast from the City of Modesto in the California Central Valley to U.S. 395 in Mono County, SR 108 runs concurrently with SR 49 and SR 120 near Jamestown and the City of Sonora in Tuolumne County. Throughout the County, SR 108 is generally a two-lane highway, with four-lane divided segments in some mountainous areas. SR 108 provides the City of Sonora with an important link to the Central Valley as well as to smaller communities in the eastern portion of the County.

This text change is also identified in Chapter 4, "Revisions to the Draft EIR."

G1-7 The scenarios modeled in the Wood Rodgers Tuolumne County and the Regional Transportation Plan (RTP) Update EIR Traffic Study Addendum (Traffic Study Addendum) are detailed in Appendix D of the RDEIR. The TDM model was not relied upon in the RDEIR alternatives analysis; consistent with Section 15126.6(d) of the CEQA Guidelines, sufficient information should be provided to allow for a meaningful analysis and comparison of the alternative to the project. This guidance does not imply that all alternatives should be modeled or evaluated to the degree the project is, and the RDEIR follows guidance by comparing the relative impacts of each alternative to the General Plan Update.

G1-8 In response to item "e" in the comment letter, under the "*Public Transportation,"* heading on page 3.16-2 of the RDEIR, Yosemite Area Regional Transportation System (YARTS) is specifically mentioned and summarized in relation to the times of year it operates and areas it provides service to within Tuolumne County. No further response is necessary.

Regarding item "f" in the comment letter, a small portion of the highway runs through Tuolumne County near LaGrange and County Highway J59. The comment offers no information that would alter or change the RDEIR analysis or conclusions. However, to address this comment page 3.16-2 of the RDEIR is revised as follows:

State Route 132

A state highway that starts from I-580 in west San Joaquin County, and runs through ~~from the east from~~ Modesto/Waterford in the Central Valley, runs through LaGrange and ends in Mariposa County~~.~~ ~~a~~ A small portion of this highway runs through Tuolumne County near LaGrange and County Highway J59.

This text change is also identified in Chapter 4, "Revisions to the Draft EIR."

Item "g" in the comment letter is a suggestion related to the policies contained within General Plan Update and does relate to the content, analysis, or conclusions in the RDEIR. Therefore, no further response is provided.

Regarding item "h," the suggested edits are a matter of personal preference and are not needed for the analysis, conclusions, or validity of the RDEIR. Therefore, no further response is provided.

In response to item "i," Appendix Table 3 – Future Year Roadway Level of Service (LOS) provides all of the roadway segments within the project study area and the associated operating conditions under Existing (2015) Conditions, Year 2030 Conditions, and Year 2040 Conditions. No further response is needed.

G1-9 As this comment expresses support for various general plan goals, policies, and implementation programs, no response is required.

G1-10 The comment suggests that the County should analyze VMT under varying conditions in anticipation of the adoption of the State of new CEQA guidelines under which VMT considerations would replace congestion as the metric under which significant impacts would be determined. While the County appreciates this suggestion, the new Guidelines, in preparation for several years, were not adopted prior to circulation of the RDEIR, nor as of this writing (November 2018). The most recent version of the draft CEQA Guidelines provide for a period, up to July 2020, to utilize VMT in place of congestion in determining environmental impacts of projects. Because the Guidelines are still in draft, unadopted form—and they could change—and because there is a grace period included in the Guidelines if adopted as written, the RDEIR did not include an impact analysis related to VMT.

The County recognizes the upcoming SB 734 implementation. The Wood Rodgers Traffic Study and Traffic Study Addendum forecasted Traffic Demand Model (TDM) in 2030 and 2040 under the Recent Trends (Existing) scenario in the Traffic Study and Traffic Study Addendum, and the proposed Distinctive Communities scenario (General Plan Update scenario) in the Traffic Study and Traffic Study Addendum. The Tuolumne County Transportation Council (TCTC) is preparing a VMT study and Tuolumne County will participate as a stakeholder in that process. Tuolumne Region SB 743 Vehicle Miles Traveled Study will provide an overview of the new CEQA transportation metric VMT and discuss the requirements set forth in the soon to be adopted revised CEQA Guidelines. One of the main goals for their SB 743 – Vehicles Miles Traveled (VMT) Study will be to determine the best VMT strategy for the rural Tuolumne County region that utilizes existing technical resources, and ensures a fair playing field for development, and helps support VMT reduction goals. The Study will include a detailed SB 743 methodology and threshold setting which will include presentations and outreach to local agency staff, elected officials, and the development community. The SB 743 VMT Study will establish a VMT methodology, thresholds of significance, and mitigation measures which are customized for the Tuolumne County region. This study is expected to be completed prior to 2020 ahead of the implementation of SB 743.

G1-11 Page 4 of the Traffic Study Addendum only addresses intersection operations, not roadway segment improvements and operations as stated in the comment. Due to the incorrect page references in the comment letter, it is unclear what roadway widening projects are being referenced within the comment. Additionally, the question posed in the comment does not provide any specific concern regarding the RDEIR. Therefore, no further response is provided.

Regarding the question of funding for widenings and other improvements, roadway segment mitigation measures are addressed under Impact 3.16-1: Impacts to Roadway Segment Operations, on pages 3.16-24 through 3.16-27 of the RDEIR. Additionally, the question posed in the comment pertains to the Traffic Study Addendum and does not provide any specific concern regarding the RDEIR. The RDEIR identifies mitigation measures to reduce impacts to roadway and intersection operation resulting from increased traffic resulting from development occurring within the 20-year horizon of the General Plan Update. The RDEIR recognizes potential funding and other constraints to these mitigation measures; however, a 20-year period is a significant period of time to resolve such constraints. Regardless, due to these constraints and uncertainties, the RDEIR concludes that the impact is significant and unavoidable.

The comment also asks if the Traffic Study Addendum sought to reduce VMT by promoting increased transit, carpooling, biking, and walking rather that solely basing mitigation on the roadway improvements. Roadway segment mitigation measures starting on page 8 of the Traffic Study Addendum specifically identify the improvement of alternative modes of transportation, such as transit, bicycle, and pedestrian service and infrastructure, as feasible and recommended mitigation. Additionally, project impacts related to VMT were not analyzed in the Traffic Study Addendum or the RDEIR. See response to comment G1-10 for additional details related to VMT. No further response is provided.

The comment states that warrant 3 is met for Intersection 11 (SR 49-SR 108/SR 108 and SR 49 (Stockton Road) and asks the question that if this intersection does not meet all warrants necessary to determine a signal installation, were there other measures evaluated to improve this intersection. As detailed in Mitigation Measure 3.16-2: Intersection Improvements on page 3.16-29 of the RDEIR, the recommended mitigation for Intersection 11 is the installation of a traffic signal **or conversion to a High-T type intersection** [emphasis added]. As shown, other measures aside from signalization were evaluated. No further response is provided.

The comment states that Table 3 on page 5 of the Traffic Study Addendum indicates that in 2030 there will be 11 intersections that will have an acceptable LOS yet the only improvement included in the FCEP-CIP is for Roadway 24 (SR 49/SR 108, between Bell Mooney Rd & Fifth Avenue). The comment asks the question if any improvement will be made for the other 4 intersections since the other 7 will be improved by 2040. Page 5 of Traffic Study Addendum only addresses roadway segment operations, not intersection improvements and operations as stated in the comment. The comment contains incorrect page references, incorrect references to the number of intersections that would experience LOS impacts, and unclear terminology. Additionally, the question posed in the comment does not provide any specific concern regarding the RDEIR. Therefore, no further response can be provided.

The comment states that page 1 of the Traffic Study Addendum indicates that VMT are based on the travel demand model. The comment recommends that in preparation for SB-743 implementation, the County analyze VMT per capita over the full area over which the plan may substantially affect travel patterns, for instance, into and between neighboring counties. See response to comment G1-10 for additional details related to VMT. No further response is provided.

The comment states that the Caltrans LOS standards in rural areas for roadway segments and intersections is LOS C. Caltrans submitted a letter to the TCTC in August 2015, during the RTP and General Plan Update review process, stating that "the word 'standard' when referring to Caltrans' LOS C target for rural highway facilities can be interpreted to carry more weight than intended. 'Goal' or 'target' are more appropriate descriptions." The letter further states that the comment "does not compel or suggest that TCTC or the County adopt plans setting LOS C as a CEQA threshold of significance." As stated on page 10 of the Tuolumne County General Plan and Regional Transpiration Plan Update Environmental Impact Report Traffic Study found in Appendix D of the RDEIR, based on direction from Caltrans and County staff, the minimum LOS standard used for all Caltrans roadway segments and intersections within the study area was LOS D. Moreover, as a reflection on congestion and driver comfort, local jurisdictions have sway over what constitutes a significant impact as it relates to congestion, and the County agrees that LOS D strikes a balance between efficient roadway use and the comfort of drivers (relative to congestion) in Tuolumne County. No evidence to the contrary is provided in the comment. Additionally, the comment does not provide any specific concern regarding the RDEIR. Therefore, no further response is provided.

G1-12 The collection of traffic impact fees is currently done at the time of a Building Permit for projects as outlined in Tuolumne County Ordinance Code Chapter 3.54. Fees collected to specifically reduce VMTs will be evaluated under the TCTC VMT study discussed in response to comment G1-10.

Letter G2

CALIFORNIA Water Boards

EDMUND G. BROWN JR. GOVERNOR

MATTHEW RODRIQUEZ SECRETARY FOR ENVIRONMENTAL PROTECTION

Mar 10/10/2018 E

Central Valley Regional Water Quality Control Board

Governor's Office of Planning & Research
OCT 08 2018
STATE CLEARINGHOUSE

3 October 2018

Quincy Yaley
Tuolumne County Community Resources Agency
2 South Green Street
Sonora, CA 95370

CERTIFIED MAIL
7014 3490 0001 3008 4361

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, 2018 TUOLUMNE COUNTY GENERAL PLAN UPDATE PROJECT, SCH# 2015082027, TUOLUMNE COUNTY

Pursuant to the State Clearinghouse's 27 August 2018 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environment Impact Report* for the 2018 Tuolumne County General Plan Update Project, located in Tuolumne County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38. G2-1

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases,

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

RECYCLED PAPER

the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:
http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf

In part it states: G2-1 cont.

> *Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*
>
> *This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]
The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

G2-1 cont.

Industrial Storm Water General Permit
Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit
If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure

[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification
If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements – Discharges to Waters of the State
If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. G2-1 cont.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Dewatering Permit
If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver)
R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

Regulatory Compliance for Commercially Irrigated Agriculture
If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_coalition_group/index.shtml or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.

2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100**. Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently $1,084 + $6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

G2-1 cont.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water*

(Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

G2-1 cont.

If you have questions regarding these comments, please contact me at (916) 464-4644 or Stephanie.Tadlock@waterboards.ca.gov.

Stephanie Tadlock

Stephanie Tadlock
Senior Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

Letter G2	**Central Valley Regional Water Quality Control Board** Stephanie Tadlock, Senior Environmental Scientist October 3, 2018

G2-1 This comment reflects basic advisory considerations related to compliance with Regional Board standards. The applicable regulations and permit requirements referenced in the comment letter are addressed in the RDEIR, as appropriate for a program-level analysis. No specific comments on the RDEIR analysis are included. No further response can be provided.

Letter G3

Chicken Ranch Rancheria
OF ME-WUK INDIANS OF CALIFORNIA

October 11, 2018

Ms. Quincy Yaley
2 South Green Street
Sonora, CA 95370

RE: Tuolumne County General Plan Update 2018

Dear Quincy,

Thank you for giving us the opportunity to comment on the Draft Tuolumne County General Plan/Draft Environmental Impact Report and for considering the concerns of the Chicken Ranch Rancheria of Me-Wuk Indians of California. The Tribe wishes to make sure that the discussion you had with the Tribe's Community and Resources Development Director on September 19, 2018 is included as an official comment.

The Tribe is concerned with the definitions of "public utility" and "public agency" within Title 17. As defined, the terminology can limit tribal governments' ability to provide important resources to tribal communities. The Tribe requests that the County make sure that these definitions take into consideration tribal governments or that the County consider allowing tribal governments to do activities that public utilities/public agencies are able to do throughout Title 17. These changes will allow for Tribes to better support their communities in a manner that the local utilities are able to support the citizens of Tuolumne County. For example, only public utilities are able to have reservoirs on agricultural lands as referenced under Section 17.80.020 (HH). As written, this would preclude Tribal governments from the development of water storage facilities on agriculturally designated land. G3-1

Please don't hesitate to contact me if you have any questions on this matter.

Respectfully,

Bailey Hunter
Environmental and Natural Resources Manager
Chicken Ranch Rancheria of Me-Wuk Indians of California

Chicken Ranch Rancheria | 9195 Tribal Way | PO Box 1159 | Jamestown, California 95327 | Office: 209-984-9066 | Fax: 209-984-9269

Letter G3	Chicken Ranch Rancheria of Me-Wuk Indians of California Bailey Hunter, Environmental and Natural Resources Manager October 11, 2018

G3-1 The proposed revisions to Title 17 are limited to expanded agricultural support activities and agritourism. Upon adoption of the General Plan Update, the County plans to engage in a comprehensive update of Title 17. As part of that process, the County looks forward to working with the Chicken Ranch Rancheria of Me-Wuk Indians of California (Tribe) to address its concerns.

After review of the definitions in Title 17, staff has determined that the Tribe would qualify as a public agency, specifically under Section 17.04.610. Tuolumne County Ordinance Code, Section 17.04.628 defines “public utility”, as any agency that provides water “by grant of authority by a governmental agency”. This definition would include both the Tribe and the Bureau of Indian Affairs. This comment does not raise environmental issues or issues with the adequacy of the RDEIR. No further response is necessary.

Letter G4

Michael Ayala
Chairman

Darin Grossi
Executive Director

TUOLUMNE COUNTY TRANSPORTATION COUNCIL

October 11th, 2018

Quincy Yaley – CRA Deputy Director
Tuolumne County Community Resources Agency
2 Green Street
Sonora, CA, 95370

Re: TCTC's Comments on the Draft General Plan

Dear Ms. Yaley,

Thank you for the opportunity to comment on the Draft General Plan. We look forward to collaborating and partnering with the Tuolumne County in the future to improve our multi-modal transportation system. The TCTC has included its comments on the Draft General Plan below.

We recommending updating the language in these policy's in the General Plan to be better consistent with the 2016 Regional Transportation Plan, Caltrans documents, and other County documents.

Policy 1.D.a and 4.B.h - We recommend replacing the "Universal Design Criteria" with "Complete Streets" components. The "Universal Design Criteria" is not used by Caltrans in reference to transportation improvements. We recommend using the Complete Streets language since Caltrans and TCTC has specific policies and goals related to Complete Streets. Policy 1.D.a discusses Caltrans and TCTC Complete Streets policies. G4-1

Policy 1.F.2 – "Rural Communities" and 1.F.b - "Rural Areas" We recommend adding a definition describing the difference between Rural Communities and Rural Areas.

In the Technical Background Report on page 119, we recommend using the "US Census Bureau's Urban Area Boundary Maps" to designate Urban Streets in Tuolumne County which is consistent with the FHWA and federal regulations. This map is located in the 2016 Regional Transportation Plan page 95. The Urban Streets definition is vague and might not be consistent with the US Census Bureau's Urban Area Map for Tuolumne County. The Federal Highway Administration's (FHWA) has requirements and a process for local and state agencies to re-adjust and expand their urban areas that goes beyond US Census Bureau's designation for transportation purposes. This timeline for re-designation expired in 2013. The 2020 Census will trigger this process over again for re-designating Urban Areas and Urban Streets for transportation planning purposes. Every decennial census, the US Census Bureau adjusts urban areas throughout the US. In 2010, the US G4-2

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Census Bureau designated the urban cluster Sonora-Jamestown-Phoenix Lake Area as an urban area in Tuolumne County. "Federal transportation legislation allows for the expansion of the Census-defined urban areas for transportation planning purposes. The adjustment process is completed through the cooperative efforts of state and local officials. The adjusted Urban Areas must encompasses the entire Census-designated urban area and are subject to approval by the Secretary of Transportation 23 USC 101(a)(36-37) and 49 USC 5302(a)(16-17)" Federal Highway Administration. G4-2 cont.

4.B.b - Please adjust the last sentence, "Support efforts to develop a Tuolumne region Active Transportation Plan, Interregional Bicycle Tourism Plan, and a State Route 49 Complete Streets and Congested Corridor Plan." The TCTC is developing these three plan that focus on non-motorized transportation improvements.

4.A.r – We recommend adjusting 4.A.r - "Implement Vehicle Miles Traveled for evaluating transportation impacts under CEQA to be consistent with SB 743 and the CEQA Guidelines." This language is consistent with State law, SB 743, and new the rules for the CEQA Guidelines that have published by the Natural Resources Agency. The TCTC will be leading a SB 743 – Vehicles Miles Traveled Study for the Tuolumne region and one of the goals will be to determine the best VMT strategy for the rural Tuolumne County region that utilizes existing technical resources, and ensures a fair playing field for development, and helps support VMT reduction goals.

Policy 4.B.d Please add, "Safe Routes to School Program" to be consistent with State and Federal laws that describe the program in this policy.

We recommend adjusting Policy 4A.d.2. "Support electric vehicles and electric vehicle charging stations for the use of the public, county employees, and County fleets." The TCTC is currently working on an inter-regional Zero Emission Vehicle Readiness (ZEV) Plan. The ZEV Plan will study and analyze site locations needed for electric vehicle infrastructure deployment. These policies will help Tuolumne County meets its current air quality goals in order to become in-attainment for the 2015 Ozone NAQQS, and also meet its reduction of greenhouse gas emissions for local compliance with AB 32 and SB 32.

We recommend adjusting Policy 4A.d.7-7 – "Support TCTC's Rural Sustainable Strategies to reduce vehicles miles traveled and greenhouse gas emissions." Sustainable Community Strategies are specific to urbanized regions only and have mandatory requirements that Tuolumne County is not subject to. G4-3

If you have any questions about TCTC's comments please feel free to contact me at 209-533-5583.

Sincerely,

Darin Grossi
Executive Director

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Letter G4	Tuolumne County Transportation Council Darin Grossi, Executive Director October 11, 2018

G4-1 The comment does not raise environmental issues or issues with the adequacy of the RDEIR. The commenter recommends minor revisions to policies. In response to this comment, the County will modify Implementation Program 1.D.a (which does not appear in the RDEIR and is therefore not shown) as recommended in the comment. The County will revise Implementation Program 4.B.h on page 3.16-16 of the RDEIR as follows:

- **Implementation Program 4.B.h**: Update the local street design standards for urban areas, where practicable, to include ~~Universal Design criteria~~ Complete Streets components for street infrastructure such as sidewalks, pedestrian curb ramps, crosswalks, street lighting, shade trees, and curb extensions to accommodate all users, including people with disabilities and other special needs.

These revisions reflect minor adjustments to policy language for purposes of clarity and do not affect the analysis or conclusions of the RDEIR.

G4-2 The comment does not raise environmental issues or issues with the adequacy of the RDEIR. The commenter recommends minor revisions to General Plan policies and terminology. In response to this comment, the County will modify Policy 1.F.2 for consistency with Implementation Program 1.F.b. The word "rural" is defined in the Technical Background Report, Definitions. The County will modify the Technical Background Report to include the reference to US Census Bureau Urban Area Land Use maps. These policies and implementation programs are not identified in the REIR; therefore, no revisions to the RDEIR are required.

G4-3 The commenter recommends minor revisions to General Plan policies and terminology. Please see response to comment G1-10 for information regarding VMT. As described, the CEQA Guidelines are still in draft form, as of this writing (November 2018). In response to this comment, the County will modify Policy 4.A.7-7 (RDEIR, p. 3.16-15) and Implementation Programs 4.A.d.1 (RDEIR, p. 3.16-13), 4.A.r (RDEIR, p. 3.16-14), 4.B.b (RDEIR, p. 3.16-15), and 4.B.d (RDEIR, p. 3.16-15), as follows:

- **Policy 4.A.7:** Recognize the major funding limitations that exist within the State and County system and find that, as a matter of legislative policy, additional growth and development may be allowed within the County, notwithstanding the adverse impacts which may result in the short term by this growth and development. Therefore, it shall be the policy of the County to:

  1. Encourage the existing partnership between the Tuolumne County Transportation Council, the State and developers in working together to solve State highway and County road problems created by growth and funding limitations.

  2. Cooperate with governmental agencies in identifying and funding improvements necessary to mitigate the deficiencies in the transportation system in Tuolumne County.

  3. Acknowledge that short-term adverse impacts to the Tuolumne County transportation system resulting from growth and development within and outside of the County will occur until adequate funding is made available and improvements are made through projects identified in the adopted State Transportation Improvements Program.

  4. Monitor responsible agencies' activities in responding to the needs of the transportation system within the County.

  5. Review and provide input on the Regional Transportation Improvement Program (RTIP).

  6. Should critical State highway improvements not be identified in the adopted State Transportation Improvements Program, the County should review its

policies to determine if additional growth and development should be curtailed in the impacted areas to maintain established minimum LOS standards.

7. ~~When appropriate and feasible,~~ Support TCTC's Rural Sustainable Strategies to reduce VMT and GHG emissions~~sustainable communities strategies to reduce vehicle miles traveled~~.

- **Implementation Program 4.A.d.1** – Support alternative energy vehicles, including electric vehicles, and development of electric charging stations for ~~passenger vehicles~~the use of the public, County employees and County fleet vehicles.

- **Implementation Program 4.A.r**: Implement Vehicle Miles Traveled for evaluating transportation impacts under CEQA to be consistent with SB 743. ~~Consider implementing an alternative to LOS for evaluating transportation impacts, such as vehicles miles traveled, as described in the CEQA guidelines.~~

- **Implementation Program 4.B.b**: Plan for a balanced multimodal transportation network that meets the needs of all users of roads, including bicyclists, pedestrians, and transit users. Incorporate bicycle, pedestrian and transit improvements when designing roadway improvements where appropriate. Support ~~the~~ efforts to develop a Tuolumne Region Active Transportation Plan, Interregional Bicycle Tourism Plan, and a State Route 49 Complete Streets and Congested Corridor Plan~~of the TCTC to develop an Active Transportation Plan for Tuolumne County, The State Route 49 Complete Streets and State Route 49 Congested Corridor Plan~~.

- **Implementation Program 4.B.d**: Promote walking and bicycling through education and outreach programs and activities such as a Safe Routes to School Program, commute campaigns, classes that teach cycling skills, and providing route maps.

The revisions above are also reflected in Chapter 4, "Revisions to the Draft EIR." These revisions constitute minor clarifications to General Plan Update policy and do not change the analysis or the conclusions of the RDEIR.

Letter G5

TUOLUMNE UTILITIES DISTRICT

Board of Directors 2018-2019
Barbara Balen
James Grinnell
Ronald D. Kopf
Ron W. Ringen
Bob Rucker

October 9, 2018

RECEIVED
OCT 10 2018
COUNTY OF TUOLUMNE
Community Resources Agency

Tuolumne County Board of Supervisors
Supervisor Karl Rodefer, District 5
2 S. Green St.
Sonora, CA 95370

Re. Comments to the Tuolumne County General Plan Update Project and Draft Recirculated Environmental Impact Report

Dear Supervisor Rodefer,

The District has had an opportunity to review the information contained in the above referenced documents and offers its assessment and observations on how these policies can be further strengthened, clarified and provide a more consistent application in respect to the services provided by our district. Attached for your review and consideration are our comments.

In behalf of the Board of Directors I would like to take this opportunity to offer our commitment to working with the County on providing utility services to support the County General Plan in the most cost-effective ways possible. Good land use planning will provide a strong foundation to assist the District in providing its essential services at the lowest possible costs to our customers. We would enjoy the opportunity to work with you in any way possible to further our mutually held goals of providing high quality services to the residents of Tuolumne County in the most efficient ways possible. G5-1

Thank you for the opportunity to comment on these very important policy documents. The District is formally requesting an additional 45 days to review the Draft Recirculated Environmental Impact Report. G5-2

If you have any questions, please feel free to contact Dave Andres, Interim General Manager at 209.532.5536 ext. 480 or at dandres@tudwater.com.

Sincerely,

Barbara Balen, President
Board of Directors

cc. David B. Gonzalves, Community Resources Director
Quincy Yaley, Assistant Community Resources Director

Tuolumne Utilities District |18885 Nugget Blvd., Sonora, CA 95370 | Phone: (209) 532-5536 | www.tudwater.com

Revised Chapter UTILITIES

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A place where all citizens enjoy opportunities to thrive in a safe, healthy, and productive community.
- The Tuolumne County Vision

Introduction

An adequate and high quality water supply is considered a basic need, and the use and quality of water has long been regulated by government. Since water moves easily across jurisdictional boundaries, much of the regulation is at the regional, state and federal levels. However, since cities and counties have legal authority over development and land use, they must consider the adequacy of water supplies and how development affects the quantity and quality of water available for other beneficial uses.

Purpose

Support actions that provide adequate water, waste water, and solid waste disposal on a Countywide basis, to balance the needs for residents, agriculture, development environment and other users.

This Utilities Element is intended to include water policies that focus on the infrastructure and delivery of water service, not on water supply and source issues. Supply and capacity is discussed in the Water Element. The purpose of the waste disposal portion of this Element is to provide general direction for establishing and maintaining adequate systems for sewage disposal during further development of the County and maintaining existing systems. Goals and policies related to solid waste address the conservation, development, and utilization of programs related to solid waste, green waste, and recycling.

G5-3

Overarching Vision

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

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

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

OAV4. Appropriate utility infrastructure is necessary for the orderly development of the County.

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OAV5. The County supports the use of raw and recycled water for all zoning types and encourages water utilities to make these water sources available when practical.

G5-3 cont.

GOAL 3A:

Establish standards for water service for new development and protect the quality and quantity of existing supplies of ground and surface water. (formerly 19.E)

POLICIES & IMPLEMENTATION PROGRAMS

Policy 3.A.1: ~~Encourage~~ Require where appropriate the siting of new urban development either within or adjacent identified communities to maximize the use of existing infrastructure and encourage the ~~logical~~ reasonable extension and sizing of public water services infrastructure to meet the anticipated demands of the water purveyor. When new urban development is proposed to be located outside but adjacent to identified communities, it ~~should~~ shall be located in reasonable proximity to existing water supply infrastructure. (formerly 19.F.c)

Policy 3.A.2: Require new commercial development to be served by public water systems, except for development in areas designated as Special Commercial on the General Plan land use diagrams. (formerly 19.E.1)

Implementation Program

3.A.a - Utilize the Special Commercial (SC) General Plan land use designation on property suitable for commercial development of a neighborhood, rural or tourist-oriented nature but lacking service from a public water system. Development of a commercial nature on land designated SC is allowed with applicant permits without having service from a public water or ~~sewer~~wastewater system, but only where service is not reasonably available. (formerly 19.E.b)

Policy 3.A.3: Continue to require new urban residential development with a density of one dwelling unit or more per two acres or greater, and commercial development, except on land designated as Special Commercial (SC) by the General Plan land use diagrams, to be served with public water. Note: This item is inconsistent with Policy 3.E.a. (i.e. 3 dwelling units per acre for public sewer). (formerly 19.B.h)

Policy 3.A.4: Reserved

Policy 3.A.5: Protect the geologic landscape for water quality and quantity and the functionality of the geology for water recharge from new development. (formerly 19.E.4) Note: Provide maps of protected areas and/or require studies to determine protected areas.

Policy 3.A.6: Require new commercial development in areas designated as Neighborhood Commercial, General Commercial or Heavy Commercial on the General Plan land use diagrams and urban residential development (densities greater than one dwelling unit per two acres) to be served by a public water distribution system. Prior to approval of any discretionary entitlement for such development, a public water distribution system must have indicated that service is available and it has a reliable source of water to serve their existing and future customer's foreseeable needs. Prior to occupancy of the development, the service must be in place to the satisfaction of the utility provider. (formerly 19.E.a)

G5-3 cont.

Section A – The Tuolumne County Built Environment
Chapter 3 – Utilities Element 3-3

GOAL 3B: Plan new development and water supply infrastructure in a cooperative fashion. (formerly 19.F)

POLICIES & IMPLEMENTATION PROGRAMS

Policy 3.B.1 Require that development is consistent with the applicable water purveyor ~~master plan~~standards and specifications, including as applicable, the proper design and sizing of water distribution lines, storage tanks, and other aspects of the water infrastructure system both on and off the site of development to the satisfaction of the utility provider. (Formerly 19.F.a)

Policy 3.B.2 Consider whether the water system proposed to serve a new development has a reliable source of water, sized to serve their existing and future customer's' foreseeable demands. Projects shall only be approved where the water supply system has reliable sources of water capable of meeting present and future demands. (formerly 19.F.b)

Implementation Programs

3.B.a - Continue to require new urban development needing discretionary entitlements to secure a letter from the jurisdictional public water agency stating that the proposed project can be served by that agency and that there is an available water supply. (formerly 19.B.f)

3.B.b - Encourage new industrial development to locate in areas which have the capability of being served by a public water system with potable and/or raw water, or a private system when it can be reasonably demonstrated that the development will not cause an adverse public health problem by maintain zoning code standards for the provision of public water for industrial zoning districts and requiring review by the Environmental Health Division when exceptions are requested.

3.B.c - New development shall not be approved that is proposed to be served by a public water purveyance system that does not include the project area within the defined geographic limits of service unless the public water purveyance system is in the process of or agrees to pursue action to include the project area within the purveyor's limits of service. (formerly 19.G.a)

Policy 3.B.3 Encourage the ~~logical~~ reasonable extension of public water services infrastructure during review of new land development projects to provide a reliable and adequate distribution system to meet the future needs of the water purveyor. (formerly 19.F.1 and 2)

GOAL 3C: Encourage consolidation of existing small water systems and discourage the creation of new ones (formerly 19.G)

POLICIES & IMPLEMENTATION PROGRAMS

Policy 3.C.1: Support the consolidation of water purveyors in the County where appropriate and cost effective to facilitate improvements to the infrastructure and consistency of water quality of the systems. (formerly 19.G.1)

G5-3 cont.

Section A – The Tuolumne County Built Environment
Chapter 3 – Utilities Element 3-4

Implementation Program

3.C.a - Establish and update a database of all the service areas of the water supply systems in the County to assist with land use planning and coordinate annually with county water purveyors. (formerly 19.D.2) ~~Support the master planning of water purveyance systems that define the geographic limits of their service areas.~~ Note: Include an exhibit of water service areas within the County similar to the one for Highway transportation.

Policy 3.C.2: ~~Consider the undesirability of~~ During the development review process prohibit the proliferation of small water systems, as defined in the California Health and Safety Code, to the extent possible and assist current water purveyors in assuming management and operations of these systems where reasonable and appropriate ~~during the development review process.~~ (formerly 19.G.2)

Implementation Program

3.C.b - Assist and support actions by larger water purveyors and special districts to incorporate and maintain existing smaller systems and isolated privately or mutually-owned water supply systems. (formerly 19.G.b)

Policy 3.C.3: Discourage additional water purveyors in the County, particularly stemming from new development. (formerly 19.G.3)

Implementation Program

3.C.c - Require residential development projects that are proposed to be served by a public water system to be served by an existing water purveyor that is either a district, or water company that is privately-owned, or a mutually-owned system. The new or expanded water service from a privately-owned or mutual water company must be geographically contiguous with the existing system and have a direct infrastructure link between the existing and new system. This requirement is not intended to apply to isolated commercial or industrial developments which are served by water systems which are transient-noncommunity or nontransient-noncommunity water systems. (formerly 19.G.c)

Policy 3.C.4: Encourage ~~Discourage~~ creating new ~~dis~~contiguous ~~discontinues~~ water systems. ~~operated by existing water purveyors.~~ (formerly 19.G.4)

Implementation Program

3.C.d - Require amendments to the General Plan land use diagrams to add new areas designated for urban residential or commercial development, with the exception of new areas designated for Special Commercial (SC), be approved only with assurance that the area can be served by public water from either an existing district, or from an existing privately-owned or mutually-owned water company. ~~The public water service from an existing privately-owned or mutually-owned water company is only acceptable if it would not create discontiguous service systems. Discontiguous service systems are those operated by the same company but are geographically separated and not related by a shared infrastructure.~~ (formerly 19.G.d)

G5-3 cont.

GOAL 3D:

Promote the logical extension or expansion of ~~sewer~~wastewater system infrastructure as development occurs in areas where the expansion of public ~~sewer~~wastewater systems is feasible. (formerly 19.H)

POLICIES & IMPLEMENTATION PROGRAMS

Policy 3.D.1: ~~Encourage~~ Require where appropriate the installation of public ~~sewage~~ wastewater systems in existing communities that are experiencing repeated septic system failures. (formerly 19.H.1)

Policy 3.D.2: ~~Encourage~~ Require where appropriate new urban development to be served by public ~~sewer~~wastewater systems and require participation in wastewater assessment districts to fund facilities. ~~(~~(formerly 19.H.2)

Implementation Program

3.D.a ~~-~~ Require where appropriate the ~~logical~~ reasonable extension of sewer lines and infrastructure to areas of existing development where there are known limitations or problems associated with on-site underground sewage disposal. (formerly 19.H.e)

Policy 3.D.3: Assist and cooperate with wastewater purveyors in ~~master~~ planning ~~sewer~~wastewater facilities and encourage the extension of additional public services through the installation of ~~larger~~ appropriately sized utility ~~distribution lines~~collection system piping and other on-site and off-site improvements on new developments. (formerly 19.H.3)

Implementation Programs

3.D.b - Provide land use data from the General Plan, proposals being considered for updating the land use diagrams of the General Plan, and other relevant maps and data ~~to~~ thru coordination with districts who provide ~~sewage~~ wastewater collection, treatment and disposal so that the information can ~~to~~ be used - for wastewater facilities planning purposes~~in preparing their master plans~~. Data and maps showing areas noted as being hazardous for underground disposal or areas of known leach field failures, as well as relevant land use data, shall be shared in order to coordinate activities between agencies. (formerly 19.H.a)

3.D.c - Review and consider land use implications of ~~sewer~~wastewater ~~master~~ facilities plans prepared by any of the ~~sewer~~ wastewater ~~districts~~ providers in the County. (formerly 19.H.b)

3.D.d - Provide descriptions of proposed land development projects that may require ~~sewer~~wastewater service or in some way affect the ability of the ~~sewer~~wastewater purveyor to provide service, to all affected utility districts or public ~~sewer~~wastewater systems and consider comments in the evaluation process. (formerly 19.H.c)

G5-3 cont.

GOAL 3E:

Maintain a healthy environment for the citizenry by setting standards for the types and methods of ~~sewage~~ wastewater disposal to be used by new development. (formerly 19.I)

POLICIES & IMPLEMENTATION PROGRAMS

Section A – The Tuolumne County Built Environment
Chapter 3 – Utilities Element 3-6

Policy 3.E.1: Maintain standards for residential development that sets a minimum lot size that can be created without service by a public ~~sewer~~wastewater system. (formerly 19.I.1)

G5-3 cont.

Implementation Program

3.E.a - See Note on policy 3.A.3. Continue to require new urban residential development with a density of three dwelling units per acre, or greater, and commercial development, except that on land designated Special Commercial (SC) by the General Plan land use diagrams, to connect to public sewer. (formerly 19.B.g)

Policy 3.E.2: Require that proposed development in areas of known or suspected geological limitations to underground sewage disposal either be served by a public ~~sewer~~wastewater system, or successfully demonstrate that on-site underground sewage disposal can be accomplished with no lessening of quality to ground or surface waters. (formerly 19.I.c)

Policy 3.E.3: ~~Encourage~~ Require where appropriate new industrial and commercial development in areas where a public ~~sewer~~wastewater system is available, or require evidence that there is a capability of functioning on a private system without any adverse public health impact. (formerly 19.I.3)

Policy 3.E.4: Require development to connect to a public ~~sewer~~wastewater system if it is reasonably available. (formerly 19.I.4)

Implementation Programs

3.E.b - ~~Encourage~~ Require where appropriate the siting of urban development either within or adjacent to identified communities with wastewater facilities to maximize the use of existing infrastructure and reduce the need for expansion of the public ~~sewer~~wastewater system. Where urban development is proposed to be located outside of identified communities, it should be ~~preferentially located in proximity to~~ connected where appropriate to existing public ~~sewer~~ wastewater infrastructure. (formerly 19.I.f)

3.E.c - Consider whether areas proposed for designation as Neighborhood Commercial, General Commercial, Heavy Commercial, Business Park, Mixed Use, Light Industrial or Heavy Industrial on the General Plan land use diagrams can be served by a public ~~sewer~~wastewater system. If public ~~sewer~~wastewater service is available, the public ~~sewer~~wastewater system shall be used for commercial or industrial development. Public ~~sewer~~wastewater service is considered "available" ~~according to the definition in Chapter 13.08 of the Tuolumne County Ordinance Code. Prior to approval of any discretionary entitlement for such development,~~ when a public ~~sewer~~wastewater purveyor ~~must have~~ indicates ~~indicated~~ that service is available, or an acceptable plan for sewage disposal through a private system must be approved by the Environmental Health Division or the State Water Resources Control Board. Prior to occupancy of the development, the service must be in place to the satisfaction of the wastewater service purveyor. (formerly 19.I.a)

3.E.d - Continue to allow development to be served by private water and sewage disposal systems provided that they are first approved by the ~~agency~~ agencies having jurisdiction by law in coordination with the local wastewater service provider. (formerly 1.G.g)

3.E.e - Require buildings subject to a building permit proposed on a parcel within ~~300 feet uphill or 100 feet downhill~~ 500 feet of a public ~~sewer system's primary~~wastewater system pipeline to connect to that system for service in accordance with Chapter 13.08 of the Tuolumne County Ordinance Code. This includes all urban residential development, and commercial and industrial development. This does not apply when the public ~~sewer~~wastewater system's treatment plant is at its capacity level or the ~~sewer~~wastewater purveyor indicates the connection is not feasible

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G5-3 cont.

Section A – The Tuolumne County Built Environment
Chapter 3 – Utilities Element 3-8

~~or the project lies outside the defined service area established for a district.~~ or appropriate. (formerly 19.I.e)

G5-3 cont.

GOAL 3F: **Maintain opportunities for residents and businesses to efficiently recycle or dispose of waste products.** Why is this under Utilities?

POLICIES & IMPLEMENTATION PROGRAMS

Policy 3.F.1: Require proposed solid waste facilities and all other new development to comply with the Tuolumne County Integrated Waste Management Plan and all adopted elements thereof. (formerly 1.B.f)

Implementation Programs

3.F.a - Encourage alternative methods of disposal of vegetative matter, including, but not limited to, composting, mulching or transporting the material to biomass facilities that accept it. (formerly 12.D.a)

3.F.b - Continue to offer a program for processing brush and yard debris in the County which avoids adverse impacts to energy consumption and generates a usable product. (formerly 4.F.d)

Policy 3.F.2: Encourage the recycling of products and materials and support the efforts of agencies, businesses and the general public to reduce the waste stream. (formerly 4.F.3)

Implementation Programs

3.F.c - Support existing and encourage the development of new recycling facilities. (formerly 4.F.c)

3.F.d - Continue to require franchise waste haulers to offer the Commingled Recycled System or a similar recycling program. (formerly 4.F.b)

3.F.e - Create and implement a countywide green waste and recycling program for residential and non-residential land uses. Implement a program to educate residents and business owners about recycling requirements and opportunities.

3.F.f - Encourage the development of new and expansion of existing businesses which reuse products and materials, recycle waste materials or convert waste products to energy. (formerly 4.F.2)

G5-3 cont.

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Chapter 8

AGRICULTURE

A place where all citizens enjoy opportunities to thrive in a safe, healthy, and productive community.
- The Tuolumne County Vision

Introduction

The Agriculture Element acknowledges the importance and history of agricultural production in and to Tuolumne County and establishes policies and programs to promote the stability and productivity of the County's agricultural lands and industries. This Element is intended to provide clear guidelines for decisions in agricultural areas. It is also intended to express policies that promote and protect the current and future needs of the agricultural industry.

Purpose

Support existing and encourage the growth of additional agricultural industries and related tourism opportunities by recognizing the value and diversity of agricultural operations in Tuolumne County.

If new technology is developed for the agricultural industry which is not consistent with the policies and implementation programs contained herein, the County shall consider amendments to this Element consistent with the commitment to encourage the maintenance of a healthy agricultural sector of the County's economy.

G5-4

Overarching Vision

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

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

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

GOAL 8A: **Avoid the conversion of agricultural lands except on property determined to be infill areas.** (formerly 11.A.)

POLICIES & IMPLEMENTATION PROGRAMS

Policy 8.A.1: Avoid the conversion of agricultural lands from the Agricultural General Plan land use designation and compatible zonings. (formerly 11.A.1)

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 for a specific period of time or in perpetuity. (formerly 11.A.a.)

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. (formerly 11.A.2)

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. (formerly 11.A.4)

Implementation Programs

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. (formerly 11.A.f)

8.A.c - Utilize the Agricultural Rating System matrix only to evaluate applications proposing exceptions to Policy 8.A.1 and Policy 8.A.2.

- 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.(formerly 11.A.e)

G5-4 cont.

Section B – The Tuolumne County Economy
Chapter 8 – Agriculture Element 8-2

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.

GOAL 8B: Stabilize agricultural use at the urban fringe. Need definition of "urban fringe" (formerly 11.B.)

POLICIES & IMPLEMENTATION PROGRAMS

Policy 8.B.1: Limit intrusion of urban development into agricultural areas. (formerly 11.B.1)

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. (formerly 11.B.a)

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. (formerly 11.B.2)

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~~wastewater systems and potable public water, into agricultural areas where these services are not necessary for the appropriate sizing and extension of utility facilities to serve planned areas, agricultural production, agritourism facilities, agricultural support services or agricultural-related uses, with the exception that reclaimed and raw water delivery systems for agricultural purposes should be encouraged. (formerly 11.B.3)

G5-4 cont.

Section B – The Tuolumne County Economy
Chapter 8 – Agriculture Element 8-3

Policy 8.B.5: Encourage development of non-agricultural lands before development of land designated Agricultural by the General Plan land use diagrams. (formerly 11.B.4)

G5-4 cont.

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.

GOAL 8C: Minimize conflicts between agricultural and non-agricultural uses. (formerly 11.C.)

POLICIES & IMPLEMENTATION PROGRAMS

Policy 8.C.1: Allow agriculturalists to manage their operations in an efficient, economic manner while minimizing conflict with non-agricultural uses. (formerly 11.C.1)

Implementation Programs

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. (formerly 11.C.b.)

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. (formerly 11.C.c.)

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. (formerly 11.C.d.)

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. (formerly 11.C.2)

Implementation Program

8.C.d - Implement the standards for buffer zones between new non-agricultural development and land designated for agricultural use established in Policy 8.A.4. (formerly 11.C.b)

Policy 8.C.3: Recognize that agricultural labor housing is important to agricultural operations in the County.

Implementation Programs

8.C.e – Amend the Zoning Ordinance to allow recreational vehicles to be used as agricultural labor housing to the extent allowed by health and safety regulations.

8.C.f - Adopt a policy regarding agricultural labor housing on land under Williamson Act contract. The policy should specify conditions under which agricultural labor housing is considered necessary to an agricultural operation.

G5-4 cont.

Section B – The Tuolumne County Economy
Chapter 8 – Agriculture Element 8-5

GOAL 8D:

Manage agriculturally-related industrial and commercial uses in agricultural areas to facilitate local agricultural production. (formerly 11.D.)

POLICIES & IMPLEMENTATION PROGRAMS

Policy 8.D.1: Facilitate local agricultural production, by allowing the following agricultural support services, where appropriate within agricultural areas: (a) those facilities which supply an agricultural need such as: farm supply, feed sales, agricultural product storage, or feed yards; (b) those facilities that benefit agriculture by processing or packaging agricultural products such as: slaughtering facilities, packing sheds, canneries, wineries or sawmills; (c) those facilities that benefit agriculture by converting agricultural by-products to other uses such as: livestock feed yards or alternative energy power generation, utilizing agricultural by-products; and, (d) those facilities that process rock, aggregate gravel, or minerals. (formerly 11.D.1.)

Implementation Program

8.D.a- Amend the Uniform Zoning Ordinance, Title 17 of the Tuolumne County Ordinance Code, to allow agricultural support services as permitted or conditional uses on land zoned for agriculture.

Policy 8.D.2: Allow agricultural support services located in agricultural areas on land designated for agricultural uses. (formerly 11.D.2)

Implementation Program

8.D.b - Require agricultural support services allowed on land designated for Agriculture to conserve the rural setting, agricultural landscape and operational practices of the adjacent agricultural areas through conditions attached to development permits and other approvals for such agricultural support services. (formerly 11.D.b)

Policy 8.D.3: Recognize that it is the express intent of this Goal to not conflict with or supersede any conditions set forth under state laws, County ordinances, or resolutions adopted pursuant to the California Land Conservation Act (Williamson Act) of 1965, as amended. Where conflicts exist between development regulations and Williamson Act contracts, the more restrictive requirements will prevail. (formerly 11.D.5)

GOAL 8E:

Encourage the development of agritourism enterprises in Tuolumne County.

POLICIES & IMPLEMENTATION PROGRAMS

Policy 8.E.1: Encourage agritourism activities that complement local agricultural production and promote tourism.

Implementation Programs

8.E.a - Allow events on agricultural land that expose the public to agricultural issues and activities.

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Chapter 8 – Agriculture Element 8-6

G5-4 cont.

8.E.b - Continue to allow recreational uses, such as hiking, biking, hunting, fishing and children's camps, on agricultural land where such uses are compatible with on-site agricultural enterprises.

Policy 8.E.2: Allow agritourism activities on land zoned for agriculture (A or AE) or land that is subject to the Williamson Act land conservation program when such activities are accessory to the primary agricultural use of the land.

Implementation Programs

8.E.c - Amend the Uniform Zoning Ordinance, Title 17 of the Tuolumne County Ordinance Code, to allow agritourism activities as permitted or conditional uses on land zoned for agriculture when such uses are accessory to the agricultural use of the land.

8.E.d - Amend 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.

Policy 8.E.3: Modify County regulations as necessary to facilitate the development and growth of the agritourism industry. Specifically, amend the Uniform Zoning Ordinance, Title 17 of the Tuolumne County Ordinance Code, to:

- allow farm stays, bed and breakfasts, guest ranches and similar opportunities for people to experience a rural lifestyle on agricultural lands.
- provide for weddings, festivals, parties, and other types of public gatherings on land zoned for agriculture when such events are educational or accessory to the agricultural use of the land.
- provide for agritourism activities and events as permitted or conditional uses on nonagricultural land to promote agricultural products grown in the County.

Policy 8.E.4: Work with the Tuolumne County Economic Development Authority and other organizations to identify ways to increase the marketing of Tuolumne County through agritourism activities.

G5-4 cont.

GOAL 8F: Expand and improve infrastructure used by agriculture.

POLICIES & IMPLEMENTATION PROGRAMS

Policy 8.F.1: Support the development of infrastructure including, but not limited to, potable, raw and recycled water facilities specific to agriculture.

Implementation Programs

8.F.a - Support and facilitate development of cost effective water sources, storage and conveyance systems for agricultural use including potable, raw and reclaimed water supplies.

8.F.b - Support installation of agriculture friendly utilities including potable, raw and reclaimed water supplies to benefit agricultural production and agritourism.

8.F.c - Assist utility providers to plan for and install utilities in such a way as to ~~minimize impacts to~~support agriculture and enhance crop production and agritourism.

8.F.d - When prioritizing road improvement projects, consider the value of roads for transportation of agricultural commodities.

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Chapter 8 – Agriculture Element 8-7

Chapter 14

WATER SUPPLY

A place where all citizens enjoy opportunities to thrive in a safe, healthy, and productive community.
- The Tuolumne County Vision

Introduction

An adequate and high-quality water supply is considered a basic need, and the use and quality of water has long been regulated by government. Since water moves easily across jurisdictional boundaries, much of the regulation is at the regional, state and federal levels. However, since cities and counties have legal authority over development and land use, they must consider the adequacy of water supplies and how development affects the quantity and quality of water available for other beneficial uses, such as domestic, agricultural, industrial, biological and wildlife. The long term adequacy of groundwater and surface water resources has become a major public concern in California. Water related issues include lowered groundwater levels, increased stormwater runoff, sediment and pollutants in runoff, the water needs of fish and wildlife, the rates of water usage, conservation methods, water storage limitations, the growing re-use of water and continuing changes in State and Federal regulations. Goals, Policies, and Implementation Programs regarding water related catastrophes, such as flooding and droughts, are discussed in the Public Safety Element.

Purpose

Tuolumne County supports actions that provide adequate water on a County-wide basis, and to balance the needs, for current residents, agriculture, new development the environment and other users.

G5-5

Overarching Vision

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

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

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

OAV4. Recognize that Tuolumne County is a watershed steward.

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GOAL 14A: **Pursue adequate water supply for all Tuolumne County residents and visitors.** (formerly 19.A)

POLICIES & IMPLEMENTATION PROGRAMS

Policy 14.A.1: Support the pursuit and acquisition of County Area of Origin Water Rights and other water rights to ensure adequate and stable water supplies. (formerly 19.A.1)

Implementation Program

14.A.a - Evaluate and consider pursuing senior water rights and county-wide funding methods to acquire these water rights. Tuolumne County supports Area of Origin Water Rights, the existing water right priority system and the authority to make water management decisions locally to meet the County's current and future needs, thereby protecting Tuolumne County's communities, economy and environment. (formerly 19.A.a)

Policy 14.A.2: Support the efforts of local water purveyors to increase water storage capacity, maintain and enhance infrastructure, and cross-connect water systems with sufficient capacity to allow for anticipated growth. (formerly 19.A.2)

Implementation Programs

14.A.b - Support the efforts of the Tuolumne Utilities District to secure modified lake level guidelines at Pinecrest Lake to provide a reliable water supply to its customers. (formerly 19.A.b)

14.A.c - Support the efforts of local water purveyors to increase water storage and pursue additional water storage initiatives within the County or acquire access to increase water storage through funding methods such as a county-wide assessment. (formerly 19.A.c)

14.A.d - Work with other agencies and water purveyors, such as the Tuolumne County Water Agency and the Tuolumne Utilities District, to develop, adopt and fund long term strategic infrastructure maintenance, modernization and sustainability plans by identifying areas that would benefit from improvement projects, obtaining funding for such projects, and implementing projects identified in the strategic plan. (formerly 19.A.e)

Policy 14.A.3: Work with other agencies in developing joint water policies supporting healthy watershed management, preservation of historic and cultural conveyance facilities and management of fire-prone forest areas. (formerly 19.A.3)

Implementation Programs

14.A.e - Implement the Tuolumne County *Water Action Plan: Developing a Plan for Our Future* adopted by the Board of Supervisors on April 7, 2015, as it may be amended from time to time. (formerly 19.A.g.)

14.A.f - Collaborate with the other agencies and water purveyors to develop a Comprehensive Water Resources Plan to manage and protect the County's water resources by developing and prioritizing a list of water resources projects, watershed management activities, preservation of historic and cultural conveyance facilities, management of fire-prone forest areas and monitoring programs. (formerly 19.A.h)

Policy 14.A.4: Pursue access to all ~~existing~~ cost effective water storage not currently available for use within Tuolumne

G5-5 cont.

Section D – The Tuolumne County Natural Environment
Chapter 14 – Water Supply Element 14-2

County. (formerly 19.A.4)

Implementation Programs

14.A.g - Develop incentives, such as fee reductions, local green building codes, and water conservation strategies/programs accepted by state agencies, to encourage provision of

G5-5 cont.

rainwater harvesting and storage facilities on development projects to conserve water and minimize water loss. Recognize that water or ~~sewer~~wastewater purveyors may adopt regulations to prohibit or otherwise regulate rainwater harvesting and storage facilities that could adversely affect the efficient operation of their systems. (formerly 19.A.i)

Policy 14.A.5: Manage groundwater resources consistent with the requirements of the Sustainable Groundwater Management Act, in response to the probability that the State will extend regulations to the County of Tuolumne. (formerly 6.T.h)

Implementation Program

14.A.h - Use of groundwater where applicable and cost effective to recharge and~~to~~ help stabilize and supplement groundwater levels and protect water supplies. Discourage ~~-~~incompatible development near groundwater recharge stations, such as ponds, basins and ~~tanks~~reservoirs, that could affect the recharged groundwater levels or result in contamination. (formerly 6.T.j)

Policy 14.A.6: Encourage water purveyors to provide an adequate water supply to meet long term needs in a manner that is consistent with this General Plan and urban water management plans and that maintains water resources for water users while protecting the natural environment. (formerly 19.A.f)

GOAL 14B:

Maximize the efficient use and reuse of water supplies through water conservation, water recycling, raw water utilization and public education. (formerly 19.J)

G5-5 cont.

POLICIES & IMPLEMENTATION PROGRAMS

Policy 14.B.1: Support water districts in establishing conservation standards to reduce demand for water. (formerly 19.J.1)

Implementation Program

14.B.a - Support the efforts, such as funding applications and inter-agency coordination, of water agencies and districts to prevent the depletion of water resources and promote the conservation and reuse of water. (formerly 19.J.a)

Policy 14.B.2: Increase water conservation efforts to maximize water use efficiency within Tuolumne County through conservation, recycling and education. (formerly 19.J.2)

Implementation Programs

14.B.b - Encourage water reuse and conservation programs in new development to conserve raw or potable water supplies consistent with State Water Resources Control Board guidelines and local water supplier regulations through the application review process. (formerly 19.J.b)

~~15.~~14.B.**c** – Support the efforts of water purveyors to ~~rehabilitate~~ protect water delivery systems, promote the benefits consumptive and non-consumptive water uses, ~~to reduce lost water~~ and increase the efficient use and availability of water. (formerly 19.J.c)

14.B.d - Encourage water reuse/recycling through the treatment and distribution of treated wastewater by working with new development to identify ways to incorporate reuse/recycling

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into projects. (formerly 19.J.d)

G5-5 cont.

14.B.e - Ensure the conservation of water through the implementation of the Tuolumne County Landscaping Requirements, Chapter 15.28 of the Tuolumne County Ordinance Code, which provide for the use of xeriscape landscaping plants and materials to conserve water, the use of water conserving irrigation systems for landscaping, and the use of reclaimed or reused water for irrigation, (formerly 19.B.c);

14.B.f - Prohibit any processing activities with high water use practices near areas where groundwater overdraft problems exist, unless the facility uses water recycling and conservation techniques that minimize effects of water use on the groundwater table. (formerly 19.J.f)

14.B.g - Develop an outreach program, working with the water service providers in the region, to encourage development to be constructed with, or upgraded to, water-efficient plumbing fixtures, landscaping, and irrigation systems, and use graywater and/or recycled water for irrigation. (formerly 19.J.g)

14.B.h - Encourage the use of domestic graywater for landscape irrigation and other purposes and consider establishing incentives for new development to install graywater systems in areas where such systems are allowed by the applicable water or ~~sewer~~wastewater purveyor. Recognize that water or ~~sewer~~wastewater purveyors may adopt regulations to prohibit or otherwise regulate graywater systems that could adversely affect the efficient operation of their systems. (formerly 19.J.h)

14.B.i - Explore the feasibility of reducing wastewater through the use of dry/composting toilets in new construction consistent with Goal 3E. (formerly 19.J.i)

14.B.j - Support the development of educational programs by water districts and public agencies to increase public awareness of efficiently conserving, using, reusing, watershed management activities, preservation of historic and cultural conveyance facilities, management of fire-prone forest areas and managing water resources. (formerly 19.J.j)

14.B.k - Provide information on water conservation measures to the general public and ~~consult with~~ support conservation efforts of the water districts. (formerly 19.J.k)

14.B.l - Promote and facilitate the use of raw and reclaimed wastewater for agricultural irrigation, in accordance with the guidelines published by the State Water Resources Control Board. (formerly 19.J.l)

14.B.m - Cooperate with the Agricultural Commissioner, Cooperative Extension Service, Farm Bureau and water districts to promote the protection of water resources in agricultural areas by encouraging programs that assist producers in using water efficiently in agricultural operations and by promoting technology for efficient water use in agriculture. (formerly 19.J.m)

14.B.n - Utilize water-efficient plumbing fixtures and irrigation systems on publicly owned property. (formerly 19.J.n)

14.B.o - Support development of new technology to improve efficient use of water. (formerly 19.J.p)

14.B.p - Encourage plumbing retrofits to be installed in existing buildings to reduce water use by working with water purveyors to inform their customers about the permit process to facilitate such retrofits. (formerly 19.J.q)

14.B.q - Develop an outreach program, working with the water service providers in the region, to encourage existing development to upgrade to water-efficient plumbing fixtures, landscaping, and irrigation systems, and use grey and/or recycled water for irrigation.

G5-5 cont.

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14.B.r - Develop incentives, such as fee reductions, for the installation of rainwater harvesting and storage facilities to conserve water and minimize water loss in areas where such systems are allowed by the applicable water or ~~sewer~~wastewater purveyor. Recognize that water or ~~sewer~~wastewater purveyors may adopt regulations to prohibit or otherwise regulate graywater systems that could adversely affect the efficient operation of their systems. (formerly 19.B.c)

14.B.s - Encourage the use of raw water for non-potable uses where feasible.

GOAL 14C: Protect and improve the quality and quantity of the County's water resources, while protecting the rights of land owners. (formerly 19.B)

POLICIES & IMPLEMENTATION PROGRAMS

Policy 14.C.1: Protect the quality of the County's water resources by supporting the efforts of local districts to maintain infrastructure, ~~and~~ avoid cross-connections, ~~sewer~~ properly operate wastewater systems and ensuring Tuolumne County's development standards are adequate to protect surface and groundwater resources from contamination. (formerly 19.B.1)

Implementation Programs

14.C.a - Maintain local source water protection and wellhead protection programs in the Tuolumne County General Plan, such as setbacks, to protect the sources of drinking water supplies. (formerly 19.B.b)

14.C.b - Implement grading and surface runoff standards, such as retention and detention, permeable surfaces and recharge, necessary to protect water resources in compliance with State and Federal water quality regulations and with the County's water quality plan referenced in Implementation Program 14.C.e. (formerly 19.B.j)

14.C.c – Support efforts to obtain water security for all county residences and businesses.

Policy 14.C.2: Encourage new urban development to locate in areas where public water and ~~sewer~~wastewater services are available or can be developed. (formerly 19.B.2)

Implementation Programs

14.C.c - Continue to require new urban residential development with a density of one dwelling unit or more per two acres, or greater, and commercial development, except on land designated as Special Commercial by the General Plan land use diagrams, to be served with public water. (formerly 19.B.h)

14.C.d - Continue to require new urban residential development with a density of three dwelling units or more per acre, or greater, and commercial development, except that on land designated Special Commercial by the General Plan land use diagrams, to connect to public sewer. (formerly 19.B.g)

Policy 14.C.3: Support the efforts of the local water agencies in identifying and procuring new water resources

G5-5 cont.

Section D – The Tuolumne County Natural Environment
Chapter 14 – Water Supply Element 14-7

to meet projected future demands from growth in the County, including the use of reclaimed water and support a county-wide assessment for obtaining water security.~~.~~ (formerly 19.B.3)

Policy 14.C.4: Encourage the conservation of water resources in a systematic manner that is sensitive to the maintenance of water quality, natural capacities, ecological values, historical and cultural resources and consideration of the many water related needs of the County. (formerly 19.B.4)

G5-5 cont.

Implementation Program

14.C.e - Update the Tuolumne County Water Quality Plan, subject to receiving funding, to facilitate a consistent, fair and cost-effective approach to water resource mitigation and encourage and support the restoration of degraded riparian areas, cultural and historic resources and reduce wildland fire potential through public education programs demonstrating the value of healthy riparian habitats and facilities in protecting water quality, and provide for permit streamlining while conserving important water resources. (formerly 19.B.a)

Policy 14.C.5: Develop and evaluate criteria to allow limited development to occur where harmful area-wide impacts to groundwater exist based on known hazard areas when feasible. (formerly 19.B.5)

Implementation Program

14.C.f - Consider creating and maintaining soil maps that identify areas of high ground water, impervious soils, limestone or other hazards which, either by themselves or in combination, create potentially serious health conditions due to failing septic systems or which are inappropriate for on-site sewage treatment and disposal on an areawide basis. Continue to develop and evaluate criteria to allow development to occur in areas of high ground water, impervious soils, limestone or other hazards without degrading the water resources. (formerly 19.B.i)

Policy 14.C.6: Recognize that the decisions made by the County of Tuolumne concerning water resources have an effect on water supply needs for all beneficial uses of water consistent with the California Water Code, including, but not limited to, domestic, municipal, agricultural and industrial supply; power generation; recreation; aesthetic enjoyment; navigation; and preservation and enhancement of fish, wildlife, and other aquatic resources or preserves. (formerly 19.B.6)

Implementation Program

14.C.g - Continue to consult with local public water agencies to determine that water supplies and delivery systems can meet the demands of the anticipated new development and population growth of the County. In accordance with Section 65352.5 of the California Government Code, the General Plan Land Use Diagrams were formulated in consultation with the applicable urban water management plans from these agencies and any amendments to those diagrams shall be reviewed in consultation with the respective public water agency serving the parcel or parcels affected by the proposed amendment. (formerly 19.B.l)

Policy 14.C.7: Recognize that clean water is essential to the public health, safety and welfare, fosters economic development and job creation, protects the environment, maintains fish and wildlife, and supports recreation. (formerly 19.B.7)

Policy 14.C.8: Encourage water resources to be protected from pollution, conserved, and recycled whenever possible to provide for continued economic, community, and social growth. (formerly 19.B.8)

Implementation Program

14.C.h - Continue to regulate the exportation of groundwater to preserve the County's limited groundwater reserves for use by its residents and businesses through the provision of Chapter 13.20 of the Tuolumne County Ordinance Code. (formerly 19.B.e)

Policy 14.C.9: Promote improved watershed health, improved water quality and water quantity yields of the watersheds in Tuolumne County. (formerly 19.B.9)

G5-5 cont.

Section D – The Tuolumne County Natural Environment
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Implementation Programs

14.C.i - Promote the development of plans for watershed rehabilitation projects which provide for such watershed improvements as:

- A reduction in the presence of contaminants in drinking water by addressing the origins and treatment of the contaminants, including, to the maximum extent practicable, the specific activities that affect the drinking water supply of a community or communities.
- An increase in the quantity of water available from the watershed.
- The improvement, restoration, or enhancement of fisheries habitat, including riparian habitat, in and along streams and watercourses in the watershed. These projects may address factors which increase sedimentation in streams and watercourses in the watershed.
- The improvement of overall forest health, including the reduction of factors which may contribute to the severity of wildfires in the watershed.

(formerly 19.B.m)

14.C.j - Initiate or assist in the formulation of plans for watershed rehabilitation projects with the County serving as the coordinating agency for the various stakeholders in such a plan, such as property owners, water agencies, other public agencies, private industry, recreational facility providers and other interested groups and organizations. Provide technical assistance in the development of plans for watershed rehabilitation projects through such means as data sharing. (formerly 19.B.n)

14.C.k - Cooperate and consult with Federal, State and local agencies, such as the Tuolumne County Water Agency and Tuolumne Utilities District, in promoting the stewardship of the watersheds within the County. Consult with these agencies to avoid duplication of effort and to maximize use of public resources in working towards a common goal of improving the watersheds within Tuolumne County which will, in turn, contribute to the State and Federal objective of providing long-term Bay-Delta recovery and protection. (formerly 19.B.p)

14.C.l - Support the Tuolumne County Resource Conservation District in its efforts to improve watersheds within Tuolumne County, including stream water quality sampling, which can assist agencies where to direct their efforts. (formerly 19.B.q)

14.C.m - Submit applications for grants which become available for funding for County initiated or sponsored watershed rehabilitation projects and support the efforts of other public agencies and water agencies, such as the Tuolumne County Water Agency, Tuolumne-Stanislaus Integrated Regional Water Management Authority, Tuolumne Utilities District and other entities in their efforts to seek funding for watershed improvement projects. This support may manifest itself in such ways as adopting a resolution of support or co-sponsoring an application for funding for a watershed project. (formerly 19.B.o)

G5-5 cont.

Section D – The Tuolumne County Natural Environment
Chapter 14 – Water Supply Element 14-

GOAL 14D: **Promote cooperation between Tuolumne County, the Tuolumne County Water Agency and water supply purveyors.** (formerly 19.D.)

POLICIES & IMPLEMENTATION PROGRAMS

Policy 14.D.1: Strive to maintain a mutually beneficial relationship with water supply purveyors. (formerly 19.D.1)

Implementation Programs

14.D.a - Provide land use data from the General Plan, proposals being considered for updating the land use diagrams of the General Plan, and other relevant maps and data to coordinate with water purveyors to be used in preparing their ~~water master~~capital improvement plans and Urban Water Management Plans. (formerly 19.D.a)

14.D.b - Review and consider land use implications of water ~~master~~ improvement plans and Urban Water Management Plans prepared for any of the water supply purveyors in the County. Water ~~master~~ capital improvement plans and Urban Water Management Plans examine the projected water needs, and outline the necessary repairs, replacements, and additions to the water distribution infrastructure. (formerly 19.D.b)

14.D.c - Provide descriptions of proposed land development projects that may require water service or in some way affect the ability of the water purveyor to provide service, to all affected water districts or water supply companies and annually coordinate construction planning activities. Comments or requirements addressed by the water purveyor shall be considered prior to approval of the project. (formerly 19.D.c)

Policy 14.D.2: Maintain a water service database on the County Geographic Information System (GIS) which shows the boundaries of each water district, the service areas, and any available ~~master~~ facility planning maps showing future infrastructure. The database shall be used for review of proposed land use changes or development projects. (formerly 19.D.d)

G5-5 cont.

Section D – The Tuolumne County Natural Environment
Chapter 14 – Water Supply Element 14-

Letter G5	Tuolumne Utilities District Barbara Balen, President, Board of Directors October 9, 2018

G5-1 The comment is an introductory statement that does not specifically address the content, analysis, or conclusions in the RDEIR. Therefore, no response is required.

G5-2 The RDEIR was published on August 27, 2018 for a 45-day review period, in compliance with Section 21091 of the Public Resources Code. According to the State CEQA Guidelines (Section 15105[a]), "[t]he public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances." There is no justification provided for the request to extend the public review period and additional 45 days, to 90 days in total. Further, note that this is a recirculation of the original Draft EIR published by the County on the proposed General Plan Update. The County will not extend the comment period.

G5-3 This comment suggests language changes to the Utilities Element. No changes are recommended to the RDEIR text, and no issues with the RDEIR's adequacy are raised. The requested changes will be addressed in the staff report to the Planning Commission and Board of Supervisors.

Suggested edits to policy language cited in the RDEIR that are supported by the County include the following revision to Policies 3.B.1 and 3.D.3 on page 3.17-13 in Section 3.17, "Utilities and Service Systems":

> **Policy 3.B.1:** Require that development is consistent with the applicable water purveyor standards and specifications ~~master plan~~, as applicable, the proper design and sizing of water distribution lines, storage tanks, and other aspects of the water infrastructure system both on and off the site of development.
>
> **Policy 3.D.3:** Assist and cooperate in master planning sewer facilities and encourage the extension of additional public services through the installation of ~~larger~~ appropriately sized utility ~~distribution lines~~ collection system piping and other on-site and off-site improvements on new developments.

G5-4 This comment suggests language changes to the Agricultural Element. No changes are recommended to the RDEIR text, and no issues with the RDEIR's adequacy are raised. In response to the comment, Goal 8B will be amended to replace the phrase "at the urban fringe" with "outside of identified communities." The requested changes will be addressed in the staff report to the Planning Commission and Board of Supervisors.

G5-5 This comment suggests language changes to the Water Supply Element. No changes are recommended to the RDEIR text, and no issues with the RDEIR's adequacy are raised. The requested changes will be addressed in the staff report to the Planning Commission and Board of Supervisors.

Letter G6

Twain Harte Community Services Distr

P. O. Box 649 ▪ Twain Harte, CA 95383
Phone: (209) 586-3172 ▪ Fax: (209) 586-0424
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Directors: Gary Sipperley ▪ Bill McManus ▪ Jim Johnson ▪ Richard Knudson ▪ Eileen Mannix

October 5, 2018

Quincy Yaley
Tuolumne County – Community Resources Agency
VIA EMAIL: qyaley@co.tuolumne.ca.us

SUBJECT: General Plan Comments

Dear Ms. Yaley

Thank you for the presentation you gave to the Tuolumne County Water Policy Advisory Committee on the proposed changes to the Tuolumne County General Plan. Thank you also for all your work to make the General Plan easier to read, process and use. Your team at the County has done an amazing job! Twain Harte Community Services District has reviewed the General Plan and has the following comments on the Utilities Element (Chapter 3) and Water Supply Element (Chapter 14): G6-1

Utilities Element

- **Policy 3.D.1:** The word "encourage" will likely not result in any positive change for the County's watershed, water quality and health of the communities who have failing septic system. We understand the desire and need to be flexible, but it is our opinion that nothing will improve if there are not requirements. We suggest "encourage" be changed to something that creates a flexible mandate, such as "require where appropriate." This type of language allows for the County to make exceptions, but still necessitates requirements are put into place so that we don't end up with more of the same problems we are working through now in 20 years. G6-2
- **Policy 3.E.1 (3.E.a):** Suggest adding language that provides a stricter requirement where development is located near a drinking water body or impaired water body. Perhaps 1 unit per acre.

Water Supply Element

- **Goal 14A:** Suggest the addition of a policy that discusses the pursuit of stormwater capture to ensure healthy watersheds, fire-safe landscapes and more sustainable groundwater. This is a necessity for our community since we have very little water rights and steep topography that tends to convey excess stormwater quickly away from our County.
- **Policy 14.A.3:** The Tuolumne-Stanislaus Integrated Water Management Authority (IRWM) has put together a collaborative and comprehensive plan for water and watershed management across the entire County – a plan that the County participated in. Suggest this plan be listed as a plan to implement and use for future water planning. G6-3
- **Policy 14.C.1:** Suggest adding and implementation program for requirements on failing septic system or on not allowing septic systems near drinking water sources or impaired water bodies.
- **Policy 14.C.2 (14.C.d):** Suggest this requirement be stricter when development occurs near drinking water source or an impaired water body.
- **Policy 14.D.1:** Suggest the inclusion of working with water suppliers to evaluate water supply, water source and watershed impacts of new development.

Sincerely,

TOM C. TROTT, P.E.
General Manager

Letter G6	Twain Harte Community Services District Tom C. Trott, P.E., General Manager October 5, 2018

G6-1 The comment is an introductory statement that does not specifically address the content, analysis, or conclusions in the RDEIR. Therefore, no response is required.

G6-2 This comment suggests language changes to Policy 3.D.1. No changes are recommended to the RDEIR text, and no issues with the RDEIR's adequacy are raised. The requested changes will be addressed in the staff report to the Planning Commission and Board of Supervisors.

The comment also suggests that additional restrictions be listed when development occurs that isn't required to connect to public sewer. Specific restrictions for development next to an impaired water body or drinking water supply (surface water) can be found in Tuolumne County Ordinance Code Chapter 13.04 and 13.08. When property is developed with a single-family home, review is completed by the Environmental Health Division to ensure compliance with the required distances. Further, during the discretionary review process, if development is proposing onsite wastewater treatment systems, the Environmental Health Division reviews the project so that the required setbacks can be implemented upon approval of the project and at the time of future development. While the language in Policy 3.E.1 and Implementation Program 3.E.a does not address impaired water bodies or drinking water supplies, this is addressed in Tuolumne County Ordinance Code.

G6-3 This comment suggests language changes to the Water Supply Element. See response to comment G6-2 regarding development next to an impaired water body or drinking water supply (surface water).

In response to the comment, the County will add a policy to encourage the beneficial capture and utilization of stormwater to promote healthy watersheds, fire-safe landscapes and groundwater recharge to the General Plan Update. This addition does not affect the analysis or conclusions in the RDEIR. In addition, Implementation Measure 14.A.f will be revised as follows to acknowledge the work of the Tuolumne-Stanislaus Integrated Water Management Authority:

> **Implementation Program 14.A.f** - Collaborate with the other agencies and water purveyors to develop a Comprehensive Water Resources Plan to manage and protect the County's water resources by developing and prioritizing a list of water resources projects and a monitoring program. <u>Utilize planning reports from the Tuolumne-Stanislaus Integrated Water Management Authority (IRWM) in future water planning efforts</u>.

This change will be reflected in the list of policies and implementation programs on page 3.10-16 of Section 3.10, "Hydrology and Water Quality," of the RDEIR, as reflected in Section 4, "Revisions to the Draft EIR." No issues with the RDEIR's adequacy are raised. The requested changes will be addressed in the staff report to the Planning Commission and Board of Supervisors.

3.3.2 Organizations

CALIFORNIA WILDLIFE FOUNDATION
428 13th Street, Suite 10A
Oakland, CA 94612

WWW.CALIFORNIAWILDLIFEFOUNDATION.ORG
tel 510.208.4436
fax 510.268.9948

Letter 01

October 10, 2018

Quincy Yaley, Assistant Director
Tuolumne County Community Resources Agency
48 Yaney Avenue
Sonora, CA 95370

RE: Draft Environmental Impact Report, Tuolumne County General Plan

Submitted via email: qyaley@co.tuolumne.ca.us

Dear Mr. Yaley:

The California Oaks program of California Wildlife Foundation works to conserve oak ecosystems because of their critical role in sequestering carbon, maintaining healthy watersheds, and providing wildlife habitat. We are writing about the measures included in Tuolumne County General Plan to steward the county's oak woodlands, with a focus on oak woodlands on agricultural lands and proposed thresholds for determining significance.

I. Oaks on Agricultural Lands

Agricultural Rating Matrix: We commend Tuolumne County for including the presence of oak resources in the Agricultural Rating Matrix and recommend that oaks be weighted more heavily.

Applicability of oak protections to agricultural lands: We are concerned about the *approximately 67,000 acres (25%) of oak woodlands that occur on land designated for agriculture* and *approximately 47,000 acres (17%) on private land that is developed, could be developed or could support additional development (page 195, Technical Background Report).* We also understand that the Tuolumne County's oak ordinance is shaped by the provisions of California Public Resources Code 21083.4 and that the general plan is also reflective of this. Nonetheless, the county's oak protections should apply to agricultural lands because California Environmental Quality Act (CEQA) requires the analysis and mitigation of greenhouse gas emissions associated with proposed oak woodland or oak forest conversions. 01-1

CEQA § 15364.5 states that "Greenhouse gas" or "greenhouse gases" includes but is not limited to: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.

California's Senate Bill 1383 (2016) designated methane, black carbon and hydrofluorocarbon as short-lived climate pollutants. Neither the 2009 CEQA GHG amendments nor the enabling legislation, Senate Bill 97, mention the term "carbon

www.californiaoaks.org Oaks

sequestration." CEQA's sole focus is "the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions."

Upon the disposal of impacted vegetation, the decomposition of biomass does, in all cases, result in CO_2 and CH_4 emissions, and the combustion of biomass does in all cases result in CO_2, CH_4, N_2O, and black carbon. CEQA does not differentiate between anthropogenic and biogenic GHG emissions. The following 2009 Natural Resources Agency response to the California Wastewater Climate Change Group proves the point:

> Response 95-1: "Regarding the comment that the Guidelines should distinguish between anthropogenic and biogenic carbon dioxide emissions, the Natural Resources Agency notes that SB 97 did not distinguish between the sources of greenhouse gas emissions. Thus, it would not be appropriate for the Natural Resources Agency to treat the different categories of emissions differently absent a legislative intent that the Guidelines do so. Neither AB 32 nor the Air Resources Board's Scoping Plan distinguishes between biogenic and anthropogenic sources of greenhouse gas emissions. On the contrary, the Scoping Plan identifies methane from, among other sources, organic wastes decomposing in landfills as a source of emissions that should be controlled. (Scoping Plan, pp. 62-63)."

01-1

Further, the expansion of the ordinance to agricultural lands would help Tuolumne County to achieve its climate change and hazard management goals.

Senate Bill 379 (Jackson), chaptered in 2015, mandates counties to *include a set of adaptation and resilience goals, policies, and objectives* in hazard mitigation and climate adaptation plans. Section (4) (VII) (C) of the legislation states that guidelines shall include: *(i) Feasible methods to avoid or minimize climate change impacts associated with new uses of land.* Later in this section the legislation states: (v) *Where feasible, the plan shall use existing natural features and ecosystem processes… to increase resiliency to climate change, manage environmental hazards, or both.* The legislation is reflective of a growing understanding of the importance of natural landscapes in maintaining climate stability.

II. Thresholds of Significance for Conversion of Oak Woodlands

We are concerned about the oak woodlands growing on *approximately 47,000 acres (17%) on private land that is developed, could be developed or could support additional development (page 195, Technical Background Report).*

Section 16.B.j on page 16-6 calls for the establishment of *thresholds of significance under the California Environmental Quality Act (CEQA) for the conversion of oak woodlands in Tuolumne County.*

01-2

The recommended guidelines are:

> For parcels with 10% or greater native oak canopy cover (i.e., parcels with oak woodland, as defined in the General Plan), a significant impact to oak woodland includes tree removal that reduces the total oak canopy cover onsite to below 10% (i.e., conversion to non-oak woodland), or a loss of 10% or greater of

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oak canopy woodland stand on the parcel, if the conversion or loss is determined to be substantial in consideration of, but not limited to, the following:

- Total acres and amount of woodland stand removed or disturbed, and amount retained onsite.
- Pattern of development or habitat loss onsite (e.g., clustered vs. dispersed).
- Existing habitat functions and quality (e.g., intact/high-quality, moderately degraded, or severely degraded).
- Stand age- or size-class structure.
- Rarity.
- Landscape position in relation to larger wildlife corridors, stream systems, or other important natural features.
- Loss of valley oak (*Quercus lobata*) woodland, which is a sensitive habitat.
- Proximity to other oak woodland patches and connectivity to large blocks of intact habitat.
- Contribution to a cumulative loss, degradation, or fragmentation of oak woodland across the County.

Comments: O1-2 cont.

1. A primary concern, as articulated above, is that the exemption for agricultural lands improperly removes protections from one approximately quarter of the county's oak woodland resources.
2. We recommend that the bulleted considerations be used to determine when protections should be more robust, with baseline provisions developed countywide to protect oak resources. This is to say, standards of significance should protect all oak woodlands, with the considerations listed above triggering stronger protections.
3. We recommend that protections for valley oaks extend to oak landscapes in which the canopy is less than ten percent.
4. We recommend that protections are clearly articulated, and made more stringent for trees within 100 feet from any watercourse, lake, or reservoir.
5. We recommend that baseline limitations allow that no valley oaks of 10 inches diameter at breast height (dbh) and only up to 10 oak trees of other genera of 10 inches dbh per acre are allowed to be removed without the preparation of a plan by a certified professional forester.
6. We recommend that absolute limits on oak removals over time be developed so that a landowner is not able to incrementally remove oaks beyond a threshold. Further, we suggest that using the conversion of an oak woodland (i.e., changing

3

the characteristics of the landscape so that the result is less than 10% native oak canopy) be used as a threshold that would trigger mitigation measures that are much stronger than measures for actions that do not result in the conversion of the woodland.

7. We recommend that it is important to monitor the extent and condition of the county's woodlands at regular intervals and to utilize this information to determine if thresholds of significance need to be adjusted.

O1-2 cont.

Thank you for your consideration of our comments.

Sincerely,

Janet Cobb
Executive Officer
California Wildlife Foundation

Angela Moskow
Manager, California Oaks Coalition

Letter 01	California Wildlife Foundation Janet Cobb, Executive Officer and Angela Moskow, Manager, California Oaks Coalition October 10, 2018

O1-1 The policies and standards pertaining to the preservation of oak woodland included in the General Plan Update provide adequate protection for the existing oak woodlands in Tuolumne County. As discussed under Impact 3.4-2 (Loss or Degradation of Riparian, Oak Woodland, and Other Sensitive Natural Communities) of the RDEIR, impacts on the loss or degradation of oak woodland as a result of General Plan Update implementation were found to be less than significant with mitigation. The Mitigation Measure 3.4-2, "Implement Oak Woodland Mitigation Guidelines" included in the RDEIR provides additional policies and standards for the protection of oak woodland for all discretionary development proposals in the County. Mitigation strategies in Mitigation Measure 3.4-2 establishing buffers around existing oak woodland stands and the replanting or restoration of degraded oak woodlands to compensate for the loss of oak woodland habitat. Therefore, the carbon sequestration potential of oak woodlands in the County would not be compromised and would not substantially affect overall greenhouse gases (GHG) emissions trends in the County.

O1-2 See Master Response 4 regarding oak woodland policy. The commenter suggests that the General Plan Update would exempt agricultural lands from identified protections. There is no such exemption stated in the General Plan Update or RDEIR. Regarding the commenter's request that the bullet list be revised such that the standard of significance protects all oak woodlands, there are instances in which a parcel or a portion of a parcel containing oak trees does not provide a valuable habitat that should be protected (for example an area containing mostly dead and/or unhealthy oak trees may not be desirable for protection). These considerations are important to allow for nuance when considering impacts.

The commenter identifies additional measures that are intended to reduce impacts to oak woodland. The list was evaluated by the project biologist and considered by the County. Many of the measures in the list are already covered (although not expressed in such specific terms) by the proposed policies, implementation programs, and mitigation measures included in the RDEIR. For example, with respect to the recommended measure to set limitations for removal of valley oaks and other oak trees measuring 10 or more inches in diameter, Implementation Program 16.B.j includes stand age- or size-class structure as one of the considerations for determining whether the oak woodland conversion would be significant. It also specifically identifies valley oak woodland as a sensitive habitat.

Implementation Program 16.B.j also provides protection similar to the commenter's requested measure related to oak removal restrictions near water bodies in that one of the considerations for whether oak woodland conversion would be significance is the landscape position in relation to larger wildlife corridors, stream systems, or other important natural features. In addition, Tuolumne County Ordinance Code Chapter 9.24 regulates the premature removal of oak trees in advance of a development proposal for project site. This prevents land owners from removing oak trees prior to a development application in order to avoid potential mitigation.

The commenter's recommendations are not required to be in the RDEIR, and in fact some would be unenforceable, such as absolute limits on oak removals over time, which would require mapping and historic information not available to County staff. The County is proposing policies and implementation measures that balance development with protection of oak woodlands. The RDEIR concludes that impacts to oak woodlands are less than significant after implementation of the mitigation measures identified. Therefore, no further mitigation is needed.

Central Sierra AUDUBON SOCIETY
P.O. BOX 3047 • SONORA, CA 95370 • (209) 532-0570

Letter 02

October 10, 2018

BY MESSENGER

Tuolumne County Community Resources Agency
48 W. Yaney Ave, 4th Flr.
Sonora, CA 95370

Re: Tuolumne County General Plan Update and Draft Recirculated Environmental Impact Report (DEIR)

Dear Sir or Madam:

On behalf of the Central Sierra chapter of the Audubon Society (CSAS) thank you for the opportunity to comment on the General Plan Update and DEIR which analyzes the project to update the Tuolumne County General Plan to guide future growth and land use in the County during the next 21 years.

The updated General Plan reveals that it lacks effective policy wording throughout the document to effectively meet many of the policies it promotes and drastically reduces biological resources protections. This is a significant negative impact. The DEIR does not adequately or accurately address these and other potential significant impacts of the proposed amendments to the General Plan and does not provide an adequate range of reasonable alternatives. 02-1

I am restricting specific comments to the proposed General Plan updates at this time to biological concerns. Comments on the proposed revisions to the General Plan also include comments on the DEIR which purports to justify these changes to the existing General Plan.

By letter dated September 26, 2018 sent by both email to Quincy Yaley, Assistant Director, Community Resources Agency, and personally delivered that date to the Agency, I requested additional information including:

1. under Seismic Risks, the General Plan's Geotechnical Interpretive Maps, mentioned but not included in any documents in the compact disk that was sent to CSAS nor in the compact disk that I was provided by your Agency; 02-2

2. under Oak Mitigation Measure 3.4-2 at page ES9, reference is made to the "
County's existing oak woodland map (developed for the Recirculated Draft EIR) as an initial base

map" which again was not included in the compact disk that was sent to CSAS nor in the compact disk that I was provided by your Agency;

3. at a meeting of the Agricultural Advisory Committee, on September 20, 2018, that Committee requested that it be provided a Map of proposed changes to existing agricultural designated land identifying which parcels were being changed from an agricultural use. I asked for and was promised a copy of that map; instead all that was posted at the Main Library and at the lobby area on the 4th floor of your Agency was a map showing all proposed land uses under the proposed General Plan without any identification of the changes. O2-2 cont.

Without having complete information on documents which purport to justify the changes to the General Plan, the deadline of October 11, 2018 for comments on the DEIR is not justified. The date must be extended by at least two weeks from the time that all of the missing information is provided both in hard copy and on line.

No Net Loss provision for certain unique habitat, section 4.J. 6. Page 4-20 of current General Plan.

The current General Plan at Biological Resources section 4.j. 6 reads:

> "Require new development which is subject to review under the California Environmental Quality Act (CEQA) to achieve **'no net loss' of habitat values** for valley oak woodland (vow), serpentine soils (ser), old growth coniferous forest (ogc), big trees forest (btf), old growth oak (ogo), aspen grove (asp), native perennial grasslands (n.g.), native grasslands (n.s.), and cliff (c.f.) habitats through avoidance or appropriate mitigation in accordance with the County's biological resources conservation program referenced in implementation program 4.j.a. and through the CEQA process." (emphasis added)

The draft revisions to the Biological Resources section, now renamed Natural Resources, delete this provision in its entirety. Although limited protection is provided for oak woodland, no protections are given for the unique habitat of the County such as old growth oak which is not a part of an oak woodland or for old growth coniferous forest except in providing for preparation of a heritage tree program. The County has failed to prepare such a old growth tree program during the entire tenure of the existing General Plan. O2-3

Deletion of the above no net loss of habitat values will adversely affect the habitat for a number of species of birds and mammals. No mention of this deletion or its impact on habitat is offered in the DEIR. This basic protection of no net loss of the unique habitats described for protection in the existing General Plan must be recognized in the DEIR and its impact must be considered. If such a provision was important to the County in 1996 it is even more important now in view of the additional development that has occurred since 1996.

Natural Resources Element, Chapter 16

The current General Plan provisions require preparation of the Tuolumne County Biological Resources Conservation Handbook (BRCH) as provided at page 4.21 which recognized the Board's adoption of the Wildlife Handbook as an interim BRCH. The existing O2-4

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Tuolumne County Wildlife Handbook calls for preservation of 1st, 2nd and 3rd priority habitat which help preserve open space. The Draft EIR now provides that the Handbook may used as a guide for new development as an alternative to other environmental analysis and mitigation. If the Handbook is chosen as the mitigation method, it must be followed as set forth in the Handbook, not merely used as a guide for some mitigation.

Any update to the Wildlife Handbook should provide at least as much protection for habitat as now exists in the Wildlife Handbook. At the very least, the Implementation Plan must include enforceable measures to protect and preserve 1st, 2nd and 3rd priority habitat which help preserve open space. O2-4 cont.

Biological Resources chart of the DEIR

The DEIR under the mitigation Table ES-1 reads:

> "Impact 3.4-1: Disturbance or Loss of Special-Status Plant and Animal Species.
>
> Projected development under the General Plan Update may result in the disturbance or loss of special-status plant and animal species. However, the compliance with state and federal law, as well as implementation of the General Plan Update's policies and implementation programs, would reduce potential impacts of projected development under the General Plan Update and require project-level environmental review and mitigation, if required. This impact would be less than significant."

Your Agency cannot support the conclusion that the impact on special-status plant and animal species would be less than significant; it requires explanation and justification. The purported mitigation measures under the draft General Plan are mostly voluntary and certainly ignore the provision of the existing General Plan which provides for no net loss of the unique habit values quoted above. The impact of this revised draft General Plan on such species is significant and not adequately mitigated despite the unsupported conclusion of less than significant. O2-5

Natural Resources Element, Chapter 16 Policy 16.B.5, regarding Oaks

Oak Woodlands are discussed and described at page 195 of the Technical Background Report. As in the prior draft General Plan, the total acreage of oak woodlands is shown at 146,000 acres or 54% of total oak woodlands. It is not clear how the acreage was calculated since the Implementation Program 16.B.x, Oak Woodland Mitigation, references the County's existing oak woodland map (developed for the Recirculated Draft EIR) which cannot be located among any public documents made available as part of the draft General Plan and DEIR review process. O2-6

As in the previous draft of the General Plan update, the total acreage on public lands appears not to recognize the loss or damage to oak woodlands from the Rim Fire within the Stanislaus National Forest. According to information provided by the Forest Service, in the oak dominated types (blue oak woodland and Montane hardwood) there were 20,183 acres with greater than 50% basal area mortality. The Blue Oak-Foothill Pine and Montane Hardwood-conifer types which have at least some oak component had an additional 9,786 acres with >50% basal area mortality. When this fire

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damage is considered the oak woodland that has not burned results in over 50% occurring on private land. Although the fire damaged oak woodland may regrow, the process is far longer than the expected term of the proposed draft General Plan.

The draft General Plan and DEIR must recognize that a greater percentage of oak woodland occurs on private land. Both documents must also recognize that more of private land than is shown in the category of "developed, could be developed or could support additional development" is at risk of loss of oak woodland. Oak woodland, most of which is currently located in areas zoned for agriculture or under Williamson Act contracts, has almost no protection. Oaks can be cleared under current law for any agricultural uses..

Both documents must also recognize that the most slow growing oak, Blue Oak, is on private land for over 76% of total Blue Oak Woodland. The draft General Plan states that land that is currently zoned for other than agriculture or timber uses and that might be developed represents approximately 47,000 acres (17%) of oak woodland. That calculation ignores that the most common oak, the Blue Oak, occurs on private land and only 16% on public land. The DEIR appears to recognize that the impact of development may result in the loss or degradation of reiparian habitat or oak woodlands, or other sensitive natural communities, and that the impact could be significant. Despite the listed Mitigation Measure 3.4-2 Implement Oak Woodland Mitigation Guildelines, the impact will still be significant. O2-6 cont.

It is true that "there are vast areas of oaks in Tuolumne County that will never be at risk from development" (even though a large portion was burned and will grow back very slowly depending on climate conditions; much longer than the term of this General Plan amendment). But this does not justify allowing mature and especially old growth oaks to be removed in areas proposed for development, because it would still be a significant ecological impact on those sites and possible wildlife corridors.

Oak Woodlands

The draft General Plan provision at Implementation paragraph 16. B.j, oak woodlands. at the first bullet point reads as follows:

> "An oak woodland is defined in the General Plan as a woodland stand with 10% or greater native oak canopy cover. Tree removal from parcels with less than 10% native oak canopy cover is not considered a significant conversion or loss of oak woodland. "

The above definition conflicts with the California definition of Oak Woodland as found in Fish & Game Code Section 1361 (h) which reads: O2-7

> "(h) "Oak woodlands" means an oak stand with a greater than 10 percent canopy cover **or that may have historically supported greater than 10 percent canopy cover." (Emphasis Added)**

It is unlikely that any oak woodland in this County is entirely undisturbed given the extensive cutting and mining that has occurred since 1850. Any mitigation or incentive program for oak

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woodland preservation should not be limited to undisturbed oak woodland but include any oak woodland which is within the above State law definition. The prior definition in the 2015-2016 version of the proposed update of the General Plan as undisturbed oak woodlands has been changed by dropping "undisturbed".

Thresholds of Significance for Oak Woodland.

Section 16 B.j. page 16-6 (formerly 4.J(h), of the draft General Plan eliminates the blanket exemption of protection for oak woodland if development is 2 acres or less that was in the prior draft General Plan. The second bullet point is poorly written and appears to allow the destruction of oak woodland so long as 10% of the parcel remains as oak woodland, but then to allow a loss of 10% or more of oak woodland upon a finding by the Board as being insignificant. In determining whether an impact to an oak woodland is significant, the current draft General Plan provides a broad exemption from preservation of oak woodland by allowing the Board to consider a variety of subjective factors without any requirement for a professional evaluation. At least the prior draft called for a "qualified professional" to prepare a report on such conversion. If destruction or impairment of more than 10% of an oak woodland is to be allowed and not be considered a significant impact, any evaluation should be made only after a study and written report by an arborist certified by the International Society of Arboriculture or licensed by the American Society of Consulting Arborists. O2-7 cont.

Cumulative Impacts to Oak Woodland

The prior Draft EIR prepared in 2015 and 2016 at page 4.4.32 under Implementation Program 17 F. h describes the possible conversion of 3,785 acres of oak woodland under the provisions regarding oak woodland development. The current DEIR at page 3.4.35 states:

> "21,262 acres (18.5 percent) of oak woodland canopy are on potentially developable parcels, half of that amount (10,808 acres [9 percent]) is located within identified communities where the majority of development is incentivized by the General Plan Update."

As noted below, several of the so called "identified communities" have boundaries that are so extensive that large areas of oak woodland would be adversely impacted even if development is concentrated in such communities. O2-8

.

The DEIR also ignores the cumulate impact to oak woodlands from destruction of oak woodland on agriculture property, timber property, and from already approved but undeveloped parcels which number approximately 3,400 that are outside of the City of Sonora, not including approved but undeveloped parcels in both the Groveland and Don Pedro areas. Many more lots have already been approved for development which must be included in any analysis to impacts to oak woodlands which the DEIR limits to property that is likely to be developed in identified communities It is my understanding that construction on a legally approved parcel or subdivision lot does not involve a discretionary action which would trigger an environmental review. If that is the case, there would not be any mandatory mitigation for oak woodland destruction for such parcels

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The DEIR must recognize the greater risk to oak woodland from already approved but undeveloped lots and parcels. A complete inventory of approved but undeveloped lots throughout the County with a map showing locations is critical to determine the potential risk to oak woodland. Additional mitigation measures must be included.

At page 3.4.37, the DEIR claims without support that the mitigation measures for oak woodland will reduce the impact to less than significant. O2-8 cont.

Implementation Program for Impacts to Biological Resources

Section 16.B.h of the Draft General Plan references information to assist in the evaluation of biological resources including County Wildlife Maps and Deer Herd Maps. Such maps as exist are far out of date are were prepared prior to the current General Plan. A similar reference is made in the DEIR at Impact 3.4.4 Disturbance or Los of Animal Movement Corridors. There is no information as to how far out of date such information is regarding wildlife corridors nor mention of protection and maintenance of such corridors. That section of the DEIR makes the statement that the impact on such animals would be less than significant without any justification.

The DEIR must require an update and continuing maintenance of such maps for both deer herds and wildlife corridors. O2-9

Heritage Tree Program.

The DEIR discussing Implementation at 4.I. j. page 4.4.28 recommends establishment of a Heritage Tree Program as mitigation measure. If heritage trees are ever to recognized and protected, such a Program should be prepared and included in the draft General Plan before deletion of the current "no net loss" of important habitat. Nearly three decades have passed since the current General Plan was adopted that called for preparation of an updated Biological Resources Conservation Handbook. It is unrealistic for the DEIR to now propose a Heritage Tree Program in view of the past performance of this County. A Heritage Tree program was considered in the past but never adopted. O2-10

Omissions from the Biological Resources section of Natural Resources Element

The following omissions were made to the draft General Plan when compared to the existing General Plan

> Minimm acreage preservation standards for Chamise chaparral, Mixed Chaparral, and Montane chaparral;
> Minimum criteria for establishing and/or preserving existing species movement corridors between communities and buffers along riparian corridors.; and
> Any requirement to identify mitigation for the inherent conflicts between wildlife and roadways.

O2-11

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All of the above omissions must be addressed and restored in any update of the General Plan. O2-11 cont.

Conclusion

One of the stated goals of the Updated General Plan is to focus future urban growth towards identified communities such as Columbia and Tuolumne Township. However the mapping for both Columbia and Tuolumne Township shows boundaries far larger than areas currently served by public water and sewer or any reasonable extension. Both of those communities have extensive areas in oak woodlands including canyons and steep hillsides which are not suitable for development other than an occasional residence. Proposed development in the outlying areas of those two communities will only encourage sprawl, expose more of the County's population to an already extreme fire risk, and adversely impact habitat.

Another basic flaw of the draft General Plan is to consider remote and little developed areas such as Big Oak Flat, Chinese Camp, Long Barn, Mountain Springs, and Strawberry as defined communities. While such areas may have been historic communities, or later attempts at a planned community in the case of Mountain Springs, such areas have few residents and even fewer amenities found in developed communities such as markets, drug stores, offices, and public facilities such as libraries, parks, or schools (except in the case of Chinese Camp). Development focused within such areas will do little, if anything, to preserve habitat and will only encourage sprawl. O2-12

Nothing restricts development to areas within the designated boundaries of identified communities as the language of the draft General Plan is couched in weasel words such as "encourage" and "may". There are even fewer protections for the lands outside identified community boundaries.

It is sad to see so little consideration given to the special habitat and unique qualities that make this County such an attractive place to live and which brought many of our members to this area.

Thank you for your anticipated review and consideration of these comments.

Sincerely,

Tom Parrington
CSAS Past President

TEP:co

Letter 02	Central Sierra Audubon Society Tom Parrington, CSAS Past President October 10, 2018

O2-1 The comment is an introductory statement that does not specifically address the content, analysis, or conclusions in the RDEIR. Responses to the commenter's specific concerns regarding updates to the General Plan and corresponding RDEIR analysis are addressed below in response to comments O2-2 through O2-12.

O2-2 The information requested in this comment (geotechnical maps, oak woodland map, and agricultural map) was at the County offices during the public comment period on the RDEIR, as specified in the Notice of Availability. The mapping information was also provided to the commenter on October 29, 2018, and made available on the County website. With respect to the Geotechnical Maps, they are not referenced in the RDEIR other than to refer back to the

General Plan Update. The General Plan Update refers to these maps in policies and implementation programs, and generally directs staff to use them when conducting an analysis and the update and maintain these maps. The General Plan Update acknowledges these maps are to be used as guides and not precise locating tools. Further, Implementation Program 17.D.c requires project specific engineering reports when a potential hazard exists on a site. The references to the "geotechnical maps" in the General Plan Update was specific to use during general project review; these maps were not used in any analysis or for the basis of any conclusions in the RDEIR.

The referenced agricultural map is a version of existing data that has been available for public review for over 1 year, on the County's General Plan Update website. The commenter requested a specific dataset to be shown on a map that was already available to the public for review.

The oak woodland map referenced in this comment was excerpted from the RDEIR, and is a reference to Implementation Program 16.B.x, which is a proposed mitigation under Mitigation Measure 3.4-2. The oak woodlands "map," in this case refers to electronic GIS information. The commenter's reference is from the Executive Summary, which is intended to provide an overview of the document. Please refer to the text on page 3.4-36 of the RDEIR for the context of the oak woodland map.

A copy of the October 29th response letter is included as Appendix A.

O2-3 CEQA requires an evaluation of the project being proposed compared to baseline (existing) which is generally the existing physical environmental conditions (CEQA GUIDELINES 15125[a]). As such, the RDEIR analyzes the potential for substantial adverse changes to the existing environment that could result from implementation of the proposed General Plan Update land use diagram, as well as proposed policies and implementation programs. The analysis in Chapter 3, "Environmental Impact Analysis," of the RDEIR is not intended to provide a comparison of the proposed General Plan Update against the 1996 General Plan (except when the proposed change is to a threshold of significance). The RDEIR evaluates the General Plan Update against established thresholds, not against the 1996 General Plan policies. See Impact 3.4-2 (Loss or Degradation of Riparian, Oak Woodland, and Other Sensitive Natural Communities) and Impact 3.4-3 (Loss or Degradation of Federally Protected Wetlands). This is the appropriate analysis under CEQA. No changes to the RDEIR are required in response to this comment.

The standard of no net loss is used by U.S. Army Corps of Engineers when considering effects on wetland habitat and would be applied to projects subject to permitting under Section 404 of the Clean Water Act (CWA). As explained in Section 3.4, "Biological Resources," compliance with existing state and federal regulations and permitting requirements during project-level environmental review would address unavoidable project-related losses or degradation of riparian and aquatic habitats in a manner that results in no net loss.

An evaluation of potential environmental impacts that might occur if the 1996 General Plan were to remain in effect is provided in Chapter 6, "Alternatives," as Alternative 1: No Project. As indicated in the impact comparison on page 6-7, continued implementation of the policies and implementation programs in the 1996 General Plan "…would result in greater impacts to biological resources, as more ground disturbance would occur from low density residential and other development in rural areas…Without proposed policies in the Natural Resources Element and community plans of the General Plan Update to control invasive species, encourage the use of native species, establish thresholds of significance for oak woodland conversion, and recognize the reduced impacts from development on biological resources, impacts of the No Project alternative would be greater than for the General Plan Update."

O2-4 Proposed Policy 16.B.6 would allow property owners to use the 1987 Wildlife Handbook to assist in designing mitigation for impacts to biological resources, recognizing that mitigation requirements for projects may exceed the options presented in the 1987 Wildlife Handbook (RDEIR, p. 3.4-31, -36, -38, and -41). Pursuant to Implementation Program 16.B.k, the County would periodically update the Wildlife Handbook in accordance with changes in state and Federal laws and environmental review standards, recognizing that state and federal laws may require mitigation beyond what is adopted in the Wildlife Handbook. See Master Response 5 for more information about the Wildlife Handbook.

O2-5 The comment refers to the table in the Executive Summary that provides a synopsis of the analysis in Chapter 3, "Environmental Impact Analysis." Explanation of this conclusion is provided in Section 3.4, "Biological Resources," of the RDEIR (p. 3.4-29 - 3.4-32). As provided therein, the potential for disturbance or loss of special-status plant and animal species was determined to be less than significant. Compliance with state and federal law, as well as implementation of the General Plan Update's policies and implementation programs, would reduce potential impacts of projected development under the General Plan Update and require project-level environmental review and mitigation, if needed. For example, Policy 16.B.5 and its implementation programs require development that is subject to a discretionary entitlement from the County and environmental review under CEQA to evaluate potential impacts to biological resources and mitigate significant impacts to special-status plant and animal species.

O2-6 This comment is noted and included in the record for consideration during the public hearing. See Master Response 4 regarding oak woodlands and response to comment O2-2 regarding the oak woodland map. Habitat types were mapped for the RDEIR using Northern Sierra Nevada Foothills Vegetation Project data and the California Wildlife Habitat Relationships habitat classification system within Tuolumne County (RDEIR, p.3.4-1). The information in the RDEIR is more recent than what was used to develop the Technical Background Report for the General Plan Update, and the Technical Background Report will be updated.

The RDEIR did not rely on the data from the Technical Background Report. The acreages of oak woodland used in the RDEIR are for the "pure" oak woodland types (e.g., blue oak woodland, interior live oak woodland, valley oak woodland), which occur mostly outside of the Rim Fire boundary, and not the additional mixed hardwood-conifer types that typically contain some amount of oak. The vast majority of the pure types identified in the RDEIR occur below the perimeter of the Rim Fire elevation, so the total amounts of those woodland types and proportions assumed to currently exist on public versus non-public lands are not expected to vary substantially between pre- and post-Rim Fire. Based on the acreages of oak woodland reported in the RDEIR (p. 3.4-34), approximately 21 percent (24,015 acres) of these pure oak woodland types occur on public lands.

O2-7 The County is not obligated to adopt the definition of oak woodland as described in Fish and Game Code Section 1361(h). This comment is noted and included in the record for consideration during the public hearing. See Master Response 4 regarding oak woodlands.

O2-8 The acreages in the 2015 Draft EIR and the RDEIR are not directly comparable, and the amount reported in the originally circulated Draft EIR was likely an underestimate of potential total conversion under the General Plan Update.

The acreage in the 2015 Draft EIR reflected a set of policies and implementation measures that have since been revised and that used much less conservative methodology than the RDEIR.

The acreage of oak woodland conversion estimated in the RDEIR analysis is the maximum amount of conversion on parcels potentially subject to development projects. However, this value is not the expected amount of actual permanent conversion that would ultimately

result following project-level CEQA review and implementation of the General Plan Update policies and implementation programs. For example, mitigation measures to protect oak woodland, minimize impacts, and compensate for losses determined to be significant would be identified during project-level environmental review. This would reduce the actual amount of oak woodland conversion in the County below the maximum potential amount.

In addition, the analysis of potential loss of oak woodland is focused on developable parcels, based on the land use map proposed under the General Plan Update. The RDEIR correctly assumes that the General Plan Update would not result in conversion of oak woodland located within areas that would remain in Agricultural (68,863 acres) and Public (24,015 acres) land use designations. The comment requests that the RDEIR recognize and inventory areas where development has been approved but not yet completed. This is not necessary because the proposed land use diagram accounts for approved projects. Therefore, these projects are part of the General Plan Update being analyzed.

Although some small projects could be constructed "by right" (e.g., construction of a single-family home on a parcel zoned and designated for single-family development), which may not require discretionary approval or CEQA review, such projects must still comply with County standards for all permits and plans. These County standards are informed by the General Plan Update policies and implementation programs. Also, these "by-right" projects are typically small and would not require substantial grading or vegetation/tree removal and must meet setback and floor-area ratio requirements, which limit the footprint of development on a single-family lot. In addition, lots that contain resources protected by a state or federal agency, such as riparian areas, which may contain woodland resources, cannot be disturbed with "by right" projects. Larger projects typically require subdivision and/or a special-use permit. Commercial development that is allowed "by right" still requires a level of discretionary review through the Site Development Review or Permit process.

The RDEIR supports the conclusion that mitigation measures for oak woodlands would result in a less-than-significant impact. The supporting text can be found on page 3.4-37 in Section 3.4, "Biological Resources," of the RDEIR under the heading "Significance after Mitigation." As stated, "…implementation of Mitigation Measure 3.4-2 would ensure impacts to oak woodlands resulting from projected development under the General Plan Update are less-than-significant because it would require impact avoidance or minimization through feasible project design modification or mitigation at a ratio sufficient to offset the loss of oak woodland habitat function and values."

See Master Response 4 for additional information regarding oak woodlands.

O2-9 Proposed Policy 16.B.5 would require that impacts to biological resources are evaluated and mitigated in accordance with the requirements of state and federal law. To assist in this evaluation, the County would maintain the Tuolumne County Wildlife Maps under Implementation Program 16.B.g and provide Tuolumne County Wildlife Maps, Deer Herd Maps and Management Plans, California Wildlife Habitat Relationships habitat typing and mapping, and U.S. Department of Agriculture Forest Service Calveg mapping data under Implementation Program 16.B.h. Although these implementation programs indicate that the County would provide (and in the case of the Wildlife Map, update) these maps to assist future projects in compliance with state and federal regulations, the analysis in the RDEIR of potential impacts does not rely on these maps. Rather, Section 3.4, "Biological Resources," of the RDEIR includes a description of wildlife movement corridors in Section 3.4.4, "Environmental Setting" (see pages 3.4-13 and 3.4-14, and Exhibit 3.4-4). This discussion focuses on Essential Connectivity Areas as mapped in the report, California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California (Spencer et al. 2010) and downloaded from the California Department of Fish and Wildlife's (CDFW) website in 2017.

As indicated in the discussion of Impact 3.4-4 (Disturbance or Loss of Animal Movement Corridors), the impact to animal movement corridors was determined to be less than significant because the potential for disturbance or loss as a result of projected development under the General Plan Update is expected to be limited and encouraged primarily within the identified communities, and the General Plan Update includes several policies and implementation programs intended to reduce potential impacts to open space and require project-level environmental review and mitigation for significant effects on wildlife movement (e.g., Policies 16.A.6, 16.B.1, 16.B.2, 16.B.4, 16.B.7, 16.B.9, 16.B.10, 16.C.1, 16.C.2, 16.C.3, and 16.C.5). See page 3.4-41 of the RDEIR. No mitigation is required.

O2-10 Implementation programs can identify future long-range planning projects. Long-range planning projects are annually prioritized, as part of annual work program and Board goals, by the Board of Supervisors. It should be noted that the RDEIR analysis is based on proposed policies and implementation programs included in the General Plan Update (including policies and implementation programs related to heritage trees). The RDEIR did not identify the heritage tree program as a "mitigation measure" as defined by CEQA. Also see response to comment I1-9 related to the assumption of enforcement and implementation of regulations and policies.

O2-11 As indicated in response to comment O2-3, the RDEIR evaluates, as required by CEQA, the potential for implementation of the proposed land use diagram, as well as proposed policies and implementation programs, to result in substantial adverse physical changes compared to baseline (existing) conditions, not the change in policy compared to the existing 1996 General Plan (except when the proposed change is to a threshold of significance).

O2-12 See response to comment I1-3 regarding the establishment of the identified communities' boundaries. The comment suggests that there is proposed development in the outlying areas of Columbia and Tuolumne. The General Plan Update does not "propose development" but provides guidance should future development occur. Fire safety issues are addressed in Master Response 6. Language in the General Plan Update reflects the objectives of the General Plan established by the Board of Supervisors. The comment also provides social commentary that is beyond the technical nature of the RDEIR and the General Plan Update.

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Letter 03

October 10, 2018

Attention: David Gonzalves and Quincy Yaley
Tuolumne County Community Resources Agency
2 S. Green Street
Sonora, CA 95370

CSERC comments for the 2018 TUOLUMNE COUNTY GENERAL PLAN and EIR

It is with deep frustration and disappointment that our Center provides these comments in response to the General Plan Update and EIR. Despite many years of sincere efforts by our staff to identify ways to strengthen economic opportunities tied to development in the County, while still assuring important protective measures for the County's resources and rural qualities, our staff sees the current proposed General Plan as a major step backwards. **As now proposed, the 2018 Tuolumne County General Plan would diminish protection for natural resources, would fail to protect rural and Open Space values in the County, and would unfairly favor the narrow interests of developers and project applicants at the expense of the majority of tax-paying county residents.**

The Plan and EIR illegally base the new General Plan upon a completely unrealistic growth projection that is wildly inflated so as to justify pro-development policies and implementation programs and to justify a significant amount of agricultural land being converted to residential use. **The inflated, indefensible growth projections are 9 times higher than the estimated amount of growth in the County that is predicted by the State Department of Finance over the planning period.** In contrast with the Plan's assumption of a population increase of 8,906 new residents by 2040, **the fact is that Tuolumne County has had no measurable growth in its population level since 2000. Rather than the county's population rising at a rate 0.6% a year (as is projected by the County and by the EIR to occur through 2040), Tuolumne County has actually had a 13-year decline in population growth since 2005, with an overall population reduction of 2,000 residents during that time period.** 03-1

Over recent years local County supervisors have repeatedly reiterated unfounded rhetorical speculation that environmental planning policies (in particular, oak woodland protection policies) are somehow to blame for the County's lack of population growth and a lack of major new development projects. The fact is that Calaveras County to the North and Mariposa County to the south are also experiencing the same lack of population growth and a similar lack of development projects as Tuolumne County. The distance of Tuolumne County

from regional, urban commercial centers and the distance from industrial and agricultural jobs, along with numerous other factors, combine to minimize new development projects and population growth in our local area.

Relatively few proposed development projects overall have been legally challenged in Tuolumne County due to environmental factors, yet County supervisors and strident advocates for the building industry have espoused their desire to purge the General Plan of resource protection policies that are not strictly mandated by state or federal law. Supervisor Evan Royce opined at one board session his view that the County shouldn't be over-achievers when it comes to protecting the environment; and that the County should only direct projects to comply with what is strictly required by the State, not what may be optional.

As a result of those political positions, for a number of years County supervisors and an appointed committee (stacked with representatives of the building industry, the company operating the local open-pit mine, and the mine's biological consultant) carefully reviewed the existing General Plan's language to suggest modifications that would eliminate "unnecessary" natural resource regulations. There also was an often-expressed objective discussed by committee members encouraging the County to look for ways to expedite new development with beneficial policies or incentives.

Accordingly, this latest iteration of the General Plan Update is a direct result of years of strategic collaboration by the Board of Supervisors and building industry advocates to identify ways to eliminate regulatory "constraints" that those with the building industry have speculated may reduce the profitability of a development project. **That desire to "promote development" and "minimize regulatory requirements" is now entrenched in the Overarching Visions of the new General Plan.** O3-1 cont.

The INTRODUCTION of the General Plan Update emphasizes that the new General Plan has three overarching vision (OAV) statements. They are repeated throughout the Plan. **The first two vision statements in particular reflect the clear intent of the new Plan:**

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

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

Those two primary vision statements advocate for the County to promote development and to achieve maximum flexibility in planning decisions despite the "constraints of state and federal law."

To reinforce how strongly those vision statements are endorsed by the County Board of Supervisors, County Planning Director David Gonsalves noted in a conversation that those vision statements were strongly supported by the County Board. Accordingly, he explained that they are intentionally repeated at the start of each chapter/element of the 2018 General Plan.

There is no uncertainty. **The new General Plan is openly intended to "Promote development" and "achieve maximum flexibility" "despite the constraints of state and federal law."**

Due to that priority pro-development focus, the County has produced a General Plan Update that fails to protect natural resources, Open Space, agricultural values, the rural character of the County, and scenic values that are so highly important to tourism – the single highest economic factor for the County. The new General Plan and EIR fail to provide needed mitigation measures for Significant and Unavoidable impacts that would be created by the adoption of the proposed General Plan Update. In particular, the 2018 General Plan Update - as proposed -does not include feasible and realistic mitigation measures that would reduce the significance of impacts associated with the new proposed General Plan. O3-1 cont.

CHAPTER 1 - (COMMUNITY DEVELOPMENT AND DESIGN) – REFLECTS HOW BIASED THE GENERAL PLAN UPDATE IS IN FAVOR OF DEVELOPMENT

This chapter is intended to be the equivalent of a land use element. The initial goal (Goal 1A) is to enhance quality of life for residents "while facilitating growth and development…" In reality, the bulk of the chapter emphasizes designating "adequate" land for development and facilitating development.

COUNTY TO DESIGNATE AN 'ADEQUATE" AMOUNT OF LAND FOR DEVELOPMENT

1) **Policy 1.A.1** supposedly promotes the efficient use of land to conserve natural resources. However, instead of providing any measure or directive to actually achieve the objective to conserve resources, this chapter is replete with repetitive direction to "designate an adequate amount of land" for development purposes. **Implementation program 1.A.b** calls for the County to "designate an adequate amount of land in each land use category" to provide "a balanced pattern for development."

O3-2

That same directive, to "designate an adequate amount of land" is spelled out for **Implementation Program 1.A.e** – "Designate adequate land in and around identified communities for urban land uses to allow for the growth accommodated in the General Plan."

It is spelled out for **1.A. j** (Designate adequate land for industrial development), for **1.D.1** (Designate adequate land for integrated mixed-use areas), for **1.D.m** (Designate adequate land for urban residential development), for **1.D.n** (Designate adequate land for land within identified communities), for **1.3.c** (Designate adequate land for land in various density and parcel sizes), for **1.E.a** (…designate adequate amounts of land for …development of housing), for **1.F.a** (Designate adequate land for new commercial development), etc.

OVER AND OVER THE CHAPTER DIRECTS THE COUNTY TO "DESIGNATE ADEQUATE LAND" FOR DEVELOPMENT, WHEN IN FACT THE COUNTY ALREADY HAS MORE VACANT PARCELS AVAILABLE THAN ARE NEEDED TO MEET EVEN HIGHLY INFLATED PROJECTED POPULATION GROWTH NEEDS.

There is no need to "designate" more land for development. First, based on the highly expert, carefully developed projection by the State Department of Finance, Tuolumne County's population growth will add no more than roughly 1,000 additional residents by 2040. In addition, the undefined wording to designate an "adequate amount of land" could be pointed to by the Board of Supervisors as justification for continually designating more and more lands for intensive development whenever projects are proposed -- because the supervisors could judge what currently exists to be "less than adequate."

"Adequate" is a highly subjective term and could allow for excessive re-designation of areas currently designated for agriculture and Open Space, which have a higher value for natural resources and often contain oak woodland habitat. In fact, Table 2-2 in the Growth Projections section shows a net loss of 4,420 acres of agricultural land and 285 acres of open space land if the General Plan Update is approved.

** **Proposed policies and implementation programs calling for "designation of adequate land" should be removed from the General Plan due to the fact that there already currently exists adequate land in all land use categories. There is no deficit of designated land available for projected growth needs.**

O3-2 cont.

IN BOTH CHAPTER 1 AND CHAPTER 2, THE PLAN PROVIDES INCENTIVES TO DEVELOPERS

Given realistic growth demands during the planning period, there is no rationale for providing incentives to developers, especially not for developing housing for median, moderate, or high-end housing. Yet the General Plan contains multiple incentives intended to make development more profitable for developers/project applicants.

1.A.h – "Provide incentives to applicants with approved undeveloped projects that are modified to be consistent with High Density or Medium Density land use designations…"

1.E.b – Provide incentives to developers to build new housing units that are affordable…"

Policy 2.B.1 – Provide incentives and fee waivers for the construction of extremely low, very low, low, median and moderate-income housing.

2.B.b – Continue to waive application fees and Building permit fees …for developments which include an affordable housing component…"

2.B.c – Continue to waive the County Services Impact Mitigation fee for…. median income housing units."

PLAN ALSO OPENLY REDUCES REQUIREMENTS AND PROMOTES COMMERCIAL BUSINESSES

O3-3

Policy 1.E.3 – "Consider amending the Uniform Zoning Ordinance to allow land designated Low Density Residential by the General Plan land use diagrams to be divided into six parcels per acre without requiring an exception to the development standards."

Policy 1.F.2 – "Promote new commercial development in rural communities…"

1.F.b – Provide for commercial facilities in rural areas that have limited public services…". (no public water or public sewer)

1.E.1 – Encourage and promote the development of housing for all income levels. (why would the General Plan promote high end housing, etc.?)

Policy 1.F.1 – Encourage the retention and expansion of existing businesses.

Policy 2.A.2 – Encourage the extension of additional public services through the installation of larger utility distribution lines and off-site improvements for new urban developments…"

2.A.e – "Rezone all parcels designated for Medium Density Residential, High Density Residential and Mixed Use …. to increase the inventory of parcels available for development of… **median and moderate-income** housing **and to eliminate governmental constraints** to such development."

O3-3 cont.

2.A.f – "Continue to identify properties suitable for extremely low, very low, low, median, and moderate income residential development… Planning Division staff will discuss the potential development of such parcels with the property owners." Under this Implementation Program, county planners would shift to be in the business of drumming up new development, which would create a conflict of interest as well as a questionable use of taxpayer dollars.

The wording and intent of the General Plan Update just in the first two chapters (reflected in the examples above) show that the Plan is markedly pro-development. While the State defers to county governments to make land planning policies and judgments related to development so as to reflect the values of the local area's residents, a General Plan must still mitigate for changes in land planning policies that will create the potential for new significant impacts.

Implementation Programs 1.A.h, 2.B.c, and 1.E.1, as well as policies 1.E.3, 2.B.1, 1.F.2, and 2.A.2 direct the County to give incentives to project applicants or to extend public services or provide for public facilities - NOT to more narrowly and appropriately to incentivize affordable, low-income housing. Instead, as now written, those Implementation Programs also broadly incentivize median, moderate or high-end housing. To give incentives or to otherwise aid developers for median or moderate housing projects provides no benefit for the vast majority of County taxpayers – only development interests.

Implementation program **2.A.e** is especially problematic: "Rezone all parcels designated for Medium Density Residential, High Density Residential and Mixed Use …. to increase the

inventory of parcels available for development of… median and moderate-income housing and to eliminate governmental constraints to such development."

The promotion of development by the General Plan is further emphasized by **Policy 1.F.2,** which calls for the County to "(p)romote new commercial development in rural communities…"

In most rural areas of the County, there is no verified need for any such new commercial development, and, instead, new commercial development would negatively reduce rural character. **Implementation Program 1.F.b** would provide for new "commercial facilities in rural areas that have limited public services by maintaining a land use designation for such facilities that has unique development standards." Those unique development standards as described by planners and supervisors are mostly equal to applying the controversial Special Commercial designation that allows major development projects to occur in locations where there is no available public water system and sewer system.

** **CSERC calls for the deletion of Policy 1.F.2 and the Implementation Program 1.F.b. since neither is necessary, both create the potential to result in a significant impact, and no mitigation measure is provided to reduce the significance of their impact.**

O3-3 cont.

CHAPTER 2 – HOUSING CONTAINS MANY OF THE FLAWS IDENTIFIED ABOVE

Policy 2.A.3 and **Implementation Program 2.A.e** are identified above as potentially favorable for development interests. Rezoning all parcels that are now designated MDR, HDR, and MU in order to increase the inventory of parcels available for development (with text specifying the inclusion of median and moderate-income housing) would favor development at the expense of parcel neighbors and the affected environment.

While there is a legitimate and urgent need for more affordable housing, the General Plan Update as proposed would not limit incentives for development projects or waive fees to only boost those projects that would benefit extremely low, very low, and low-income housing units. Instead, median and moderate-income housing projects are identified for receiving such fee waivers and incentives from the County. **There is no public benefit for taxpayers boosting the profits of project applicants intending to create housing projects defined as median and moderate income projects.**

Implementation Program 2.B.m would initiate amendments to the General Plan Land Use diagrams to designate parcels "identified in the Regional Blueprint for higher density development as…" HDR, MDR, or Mixed-Use. CSERC's director served on the Regional Blueprint committee and verifies that the Regional Blueprint "plan" did not aim to re-designate any properties from their existing land use designations. The only discussions tied to the Regional Blueprint were to support higher density uses within identified communities when property owners – project applicants -- brought forward applications. For the County to be tasked by the

General Plan to reach out to "consult with affected property owner to initiate the General Plan land use designation changes…" is not in any way a reflection of the Regional Blueprint plan. O3-3 cont.

Policy 2.C.3 would encourage developers of "not-yet-built-but approved" projects in High Density or Medium Density zoned areas to receive incentives such as reduced parking requirements and streamlined planning if they will revise projects for more intensive development. The CEQA analysis that was done for already approved projects did not consider or even discuss potential impacts associated with higher density on the sites in question. Policy 2.C.3 would appear to attempt to change the project after approval - without requiring new CEQA review. O3-4

*** **CSERC asserts that Policy 2.C.3 conflicts with state legal requirements and should be deleted from the General Plan Update.**

Policy 2.c.d would allow deviation (flexibility) in development standards through the Planned Unit Development process and the Inclusionary Housing Ordinance for projects defined as "infill development" within "existing neighborhoods." Yet if the intent of the General Plan is followed, the majority of all new development will be encouraged to be located within the identified communities and will then likely qualify as in-fill. Accordingly, the County would have a General Plan policy with the intent to deviate from development standards (allow flexibility) for the majority of new development over the next 20-25 years. That would undermine the purpose of development standards and lead to potential significant impacts. O3-5

*** **"Flexibility" and deviation from development standards should not be allowed except in narrow circumstances tied primarily to affordable housing. Policy 2.c.d should be corrected to ensure that projects cannot deviate from the County's development standards.**

CHAPTER 3 – UTILITIES SECTION NEEDS MANY CORRECTIONS AND REVISIONS

CSERC identifies a number of policies and implementation programs in need of revision or deletion in the Utilities chapter/element. First, **Policy 3.A.1** only uses the weak, nebulous wording "Encourage" for the policy directing new urban development to be located either within or adjacent to existing communities. "Encourage" has no meaning in terms of any required or mandatory action. Therefore, a policy based on the word "encourage" cannot be relied upon to assure any positive outcome for affected resources, rural values, etc. O3-6

*** **The wording for Policy 3.A.1 should be changed by deleting "Encourage" and revising the policy to read: "Direct the siting of new urban development to be located either within or adjacent to identified communities to maximize the use of existing infrastructure…"**

The text of **Policy 3.A. 2** at first appears to require new commercial development to be served by public water, but **in actuality, it allows new commercial development to be located**

in any area of the County (because in areas without public water, it allows Special Commercial designation anywhere there is not public water).

Implementation Program 3.A.a directs the County to utilize the Special Commercial land use designation on property suitable for commercial development, but lacking service from a public water system. Such a directive increases the potential for an approved, constructed new commercial development to over-draft ground water, have its water supply system fail during a drought period, and increases the potential for the County to approve MORE Special Commercial land use designations when SC sites already have controversy and higher than normal environmental risks.

*** **CSERC urges the rewording of Policy 3.A.2 so that it reads: "Require new commercial development to be served by public water systems except for projects proposed on parcels currently designated as Special Commercial (SC)." Implementation Program 3.A.a should have its wording revised to ensure consistency with the revised Policy 3.A.2.**

*** **CSERC notes that the policy text for Policy 3.A.4 is incorrectly missing, and instead is only shown as "Reserved." The General Plan needs to ensure that there is transparency and that the affected citizenry has been able to review and provide comments on any policy. The text of the Policy is not available for public comment. Accordingly, Policy 3.A.4 should be deleted from any consideration for approval in the final revised General Plan.** O3-6 cont.

Policy 3.B.2 is positive in that it requires projects to only be approved where the water supply system has reliable sources of water capable of meeting present and future demands. However, as the County has interpreted that strategic planning approach up to this time, the County has accepted as a "reliable future water supply" wells tested during years with high rainfall and high groundwater levels.

CSERC points out that if a tested well shows a sufficient output of gallons per minute discharge rate when pumped at a point in time prior to a project gaining County approval, a subsequent drought or extended years of drier than normal weather patterns can still result in that previously sufficient well going completely dry. Accordingly, wells cannot be relied upon in the current era of a warming, drying climate to be defined as a reliable future water supply.

*** **Thus, the Policy should be modified to read: "Projects will only be approved where the water supply system has reliable sources of water capable of meeting present and future demands, including in periods of extended droughts."**

Implementation Program 3.B.b is confusing and poorly written. First, it once again begins with the nebulous, legally meaningless word "Encourage" rather than "Direct" or "Require." Second, it allows for new industrial development to be located in areas "with capability" of being served by a public water system. The phrase "with capability" does not clarify whether an industrial development project shall not be allowed until the point when a public water system is, indeed, in place at the site, or whether a project can be approved and built, with the expectation that at some point in the future the public water system will be

constructed because someone claims there is capability for such a system to be constructed. The wording also allows for a "private water system when it can be reasonably demonstrated that the development will not cause an adverse public health problem by maintain(ing) zoning code standards…"

*** The approval of new industrial development in areas where there is not a public water system has potential to result in a significant impact if the industrial development depletes the limited groundwater or surface water available in a private water system. **The wording for Implementation Program 3.B.b should be revised to read: "Direct new industrial development to locate in areas served by a public water system."**

Policy 3.B.3 encourages the "logical" extension of public water services infrastructure during review of new projects to meet future needs of the water purveyor. Extending water lines, sewer lines, or other infrastructure beyond that needed to meet the needs of a current project will result in new infrastructure facilitating a more intensive level of development for parcels affected by the extension. This is growth inducement - clear and simple – and if it was done associated with a project, that significant impact could unfairly fall upon the project proponent to mitigate the impact. O3-6 cont.

*** **This Policy should be deleted from the General Plan as growth inducing and inappropriate for the County to interfere with the overall strategic construction of infrastructure by a utility.**

Policy 3.D.2 would "Encourage" new urban development to be served by public sewer systems.

*** **As noted previously and as will be noted throughout these comments, the word "encourage" does not have legal meaning such that an action is directed to take place. For legal planning purposes, the meaning of "encourage" is nebulous and unclear. Accordingly, Policy 3.D.2 should be retained with the word "Require" substituted for "Encourage."**

CHAPTER 4 – TRANSPORTATION

Implementation Program 4.A.b states that the County may allow exceptions to the Level of Service (LOS) standards after all reasonably-feasible measures and options are explored.

*** **This diminishes the purpose of implementing LOS standards for traffic flow. It is possible that this could lead to exceptions being made throughout the County - creating traffic problems because all effective LOS measures were simply deemed too difficult or "unreasonable" to resolve. The additional levels of traffic generated by new development should not be permitted to lead to violations of LOS standards within the County. Exceptions will not hold developers accountable for traffic congestion.** O3-7

No exceptions to the LOS standards should be allowed except in truly exceptional circumstances that are strictly defined with text that is clear, rather than having an LOS measure simply being judged to be "unreasonable."

Additionally, **Policy 4.A.6** states "Strive to maintain all components of the transportation system at adopted level of service standards."

*** **The words "Strive to" should be removed. As worded, the policy lacks commitment.**

While CSERC agrees that increasing alternative energy vehicle use is an important aspect of sustainability, the wording of **Implementation Program 4.A.d.1** regarding electric vehicles is far too vague. It is not enough to simply "support" alternative energy vehicles and electric charging stations, since support (similar to "encourage") is nebulous without any assured or required outcome.

*** **CSERC supports the revision of text so that Implementation Program 4.A.d.1 reads: "For projects required to provide 25 or more parking spaces as part of County approval of the project, require the provision of at least one electric charging station for passenger vehicles."**

O3-7 cont.

Throughout the policies in **Goal 4B** regarding pedestrian and bicycle facilities, the phrase "where appropriate" is used frequently. The phrase "where appropriate" undercuts any legitimacy for the intended action, since Supervisors can always shrug off the implementation of a policy to "not be appropriate."

*** **The use of the phrase "where appropriate" should be deleted in the final wording of the referenced Implementation Programs and Policies.**

In addition, throughout the policies and implementation programs in **Goal 4C** regarding public transportation, **wording such as "support", "encourage" and "promote" is used repeatedly. Such weak, non-mandatory wording allows for no actual commitment to be made to increasing or sustaining public transit services in Tuolumne County.**

*** **Where weak wording in this Transportation Chapter provides no assurance that an action or intent will actually be required, the Policy or Implementation Program should be reworded in order to result in some measurable benefit to the adoption of or expansion of alternative modes of transportation. Words such "direct" or "require" or "ensure" should be substituted for meaningless verbiage such as "encourage" and "support."**

Goal 4D reads: "Support and encourage the revitalization of the Sierra Railroad." **Policy 4.D.4** intends to designate and rezone land for commercial, industrial and business park development along the Sierra Railroad corridor. The goal and the policy may have merit in the eyes of the County. However, we note that throughout the vast majority of this corridor, no

public utilities exist to support commercial, industrial, or business park development. Designating and rezoning land to the referenced development purposes would conflict with many other parts of the General Plan that direct new commercial and industrial development to be steered to sites with existing public water and public sewer lines.

O3-7 cont.

*** **Policy 4.D.4 should be revised by adding this introductory phrase at the beginning: "Where public water and sewer systems are available and capable of serving the use, evaluate parcels along the Sierra Railroad with rail access for potential re-designation to commercial, industrial or business park development on the General Plan land use diagrams…"**

CHAPTER 7 – MANAGED RESOURCES

Policy 7.A.1 (with associated **Implementation Programs 7.A.a and 7.A.b**) and **Policy 7.A.2** (with **Implementation Programs 7.A.c**) all use the word "Encourage" rather than a clear selection of wording such as "Direct" or "Require." (As noted previously, "encourage" is nebulous, non-directing, and ambiguous in its intent.)

*** **The words "Require" or "Direct" should be substituted for the nebulous word "Encourage."**

Implementation Program 7.A.d discourages development of non-timberland uses adjacent to commercial timberlands, but then allows for flexibility in development regulations such that there can be high density development on the far end of the parcel adjacent to timberland. Patches of high-density development in previously rural areas may lead to further development of the surrounding areas.

Implementation Program 7.A.e, under 1 and 2, prohibits existing timber activities from being declared a nuisance if the land use in surrounding areas changes. It also requires a notice to land purchasers adjacent to timberlands that they should be prepared to accept any timber-associated inconveniences and discomforts (including pesticides, herbicides, truck traffic, etc.). This Implementation Program openly attempts to prioritize the ongoing approval of timber activities over the health and safety of newly established residents on adjacent parcels. CSERC notes that where any measurable health risks such as exposure to pesticides and herbicides may be meaningful, no new residential development should be approved on parcels adjacent to timberland operations. O3-8

Implementation Program 7.C.a reads: "Consider buffer areas between extraction sites or mining operations and non-mining land uses." "Consider" is not a strong directive. This Implementation Program also states: "Creative solutions and flexibility should be encouraged in the creation of buffer zones." This is unclear direction and could be abused.

*** **Implementation Program 7.C.a should be revised to read: "Ensure that there are buffer areas established between extraction sites or mining operations and non-mining land uses."**

Implementation Program 7.C.e does not make it clear what role the County will hold in a reclamation plan consistent with SMARA standards.

*** **That Implementation Program can be clearer if the wording is slightly revised: 7.C.e – "The County shall require a reclamation plan, consistent with the State Surface Mining and Reclamation Act (SMARA) standards, for all mining operations."** O3-8 cont.

CHAPTER 8 – AGRICULTURAL POLICIES ARE SKEWED TO FAVOR DEVELOPMENT

Similar to the strategic approach County supervisors pushed for in terms of land use and development, the County minimizes protection of Agriculture when it comes to allowing development to sprawl out into agricultural lands, but the County aims to significantly expand profitable non-agricultural events and other activities on agricultural lands that have no connection to Agriculture.

As a result, **the General Plan Update, as drafted, would result in a <u>significant</u> impact to Agriculture by allowing thousands of acres of agricultural land to be converted to residential development during the planning period, even though there are already more than enough vacant residential parcels to meet a realistic (the State Department of Finance's) estimated level of population growth.**

Policy 8.A.1 is a very positive policy that directs the County to <u>avoid the conversion of agricultural land</u>. **Implementation Program 8.A.a** unfortunately provides meaningless implementation of the policy because it simply allows the County to "encourage" the protection of agricultural lands through voluntary programs. Encouraging an action is legally meaningless and provides no assurance that even a minor benefit to agriculture will be actually be the outcome. O3-9

*** **Implementation program 8.A.a should be reworded to have clear meaning: "Protect agricultural lands through both voluntary programs and planning mandates."**

Policy 8.A.2 completely undermines Policy 8.A.1 by exempting agricultural lands that (a) are less than 160 acres in size and have lands around them that are designated for uses other than Public or Agriculture; and (b) a parcel is less than 80 acres, is close to public water (500'), and is adjacent to a use other than Public or Agriculture. **Policy 8.A.2** will open the door to speculative development on cheap Ag land outside of identified communities and on large in-fill Ag parcels that currently provide islands of habitat and Open Space value.

*** **CSERC strongly asserts that Policy 8.A.2 should NOT be retained in the final General Plan Update because it will create a significant impact to Agriculture and because there is a feasible alternative (deleting the policy) to Policy 8.A.2. The deletion of the Policy is feasible because there is no proven, actual need for additional parcels to be converted to a non-agricultural designation to meet projected population growth in the County.**

Policy 8.A.3 is a second major negative policy that would grant exceptions to the policy to avoid the conversion of agricultural land. Policy 8.A.3 and **Implementation Program 8.A.b** would allow exceptions to the requirement to avoid the conversion of Ag land "only when such exception is approved by the Board of Supervisors." Basically, whenever the supervisors might choose to allow the conversion of agricultural lands, they could do so without any proof of need or any mandatory criteria.

The Agricultural Rating System matrix in **Implementation Program 8.A.c** appears to offer protection for the highest rated parcels, but nothing in the General Plan Update actually mandates non-conversion of high-value Ag lands or Ag Lands of Local Importance. Furthermore, in the past, with the encouragement of county supervisors, the calculations and ratings of such lands by County planning staff have been manipulated to favor the proposed development. Thus, simply having a rating system does not assure that agricultural lands of high value will be fairly designated. And of greater importance, identifying "high value" Agricultural lands for consideration of protection would do nothing to protect "medium or low value" Agricultural lands, which still may have important value as Open Space or wildlife habitat or for scenic values or for wildlife corridor movement. For all of these reasons, the General Plan as now written and the EIS assessment of this issue both fail to provide feasible and realistic mitigation to reduce the significant impact of converting thousands of acres of Agricultural land to non-agricultural uses as the General Plan Update would allow.

O3-9 cont.

***** CSERC urges that Policy 8.A.e and Implementation Programs 8.A.b and 8.A.c all be removed from the final General Plan Update because they will combine with Policy 8.A.2 to allow for the significant conversion of Ag land to other land use designations – resulting in a loss of Ag land, a loss of natural resource habitat, a loss of Open Space, and a loss of scenic values in the County.**

Policy 8.B.1 is positive in that it requires the County to limit intrusion of urban development into agricultural areas. But then **Implementation Program 8.B.a** completely undermines that policy by allowing the expansion of identified community boundaries for projects proposed in Ag land if the project is judged by County supervisors to meet any one of three different criteria. One of those criteria is to simply have a judgment by a majority of the supervisors that there is a community need for the development at the proposed location.

It is difficult to even imagine why an urban development would not be feasible to locate on non-agricultural land, yet with this Implementation Program, any application for urban development could be approved on any Ag land simply on the grounds that supervisors decide that there "is a community need." Providing the supervisors with such a non-measurable judgment option completely undermines the General Plan objective to limit intrusion of urban development into agricultural areas. THIS IS YET ANOTHER EXAMPLE OF THE PLAN BEING WRITTEN TO GUT MEANINGFUL POLICIES SO AS TO ALLOW THE BOARD OF SUPERVISORS THE ABILITY TO PICK AND CHOOSE WHICH PROJECTS THEY DESIRE TO APPROVE DESPITE THE APPARENT CONFLICTS BETWEEN THE PROJECT AND GENERAL PLAN POLICIES.

*** **CSERC urges the removal of Implementation Program 8.B.a from the final General Plan Update because it by itself would potentially allow a significant amount of conversion of agricultural land during the planning period.**

Policy 8.B.3 would appear to be positive by aiming to reduce economic pressure for the conversion of agricultural land. But as CSERC staff has heard supervisors, planners, and building industry interests advocate for at committee meetings on planning policies, the actual intent is to open the door to a broad range of currently non-permitted commercial activities on agricultural lands. **Implementation Program 8.B.b** would allow uses "accessory or complementary to agricultural operations as permitted or conditional uses…" As evidenced by one County board decision for an Ag parcel along Highway 120, such activities "accessory to or complementary to" agricultural uses can be as inconsistent with agricultural purposes as a movie theater, a conference center, a restaurant and bar, and other commercial lodging and retail uses that have absolutely no truthful connection to agricultural uses.

*** **CSERC urges the rewording of Implementation Program 8.B.b to: "Allow uses accessory to or complementary to agricultural operations as permitted or conditional uses only if the proposed uses are primarily agricultural in nature."**

O3-9 cont.

Policy 8.B.4 reads: "Limit the intrusion of growth-inducing public services…" But there is no proposed Implementation Program to carry out or to implement the intended policy.

*** **An Implementation Program should be added to make the Policy effective.**

Implementation Program 8.C.e would amend the Zoning Ordinance to allow recreational vehicles to be used as agricultural labor housing. Recreational vehicles as living quarters may not provide running water, connections to sewer lines, or other appropriate and needed hook-ups, plus having such cramped quarters in small RVs would be unfair to agricultural workers.

*** **CSERC identifies this as a social justice issue and urges rejection of this Implementation Program.**

Out of many negative proposed Policies and Implementation Programs in the Agricultural Element, Policy 8.E.3 is especially negative and misleading. Over years of discussions of land planning policies in Ordinances, certain Ag interests, pro-development interests, and a majority of County supervisors have openly espoused allowing music concerts, circuses, rallies, and a wide range of commercial public gatherings to be allowed on agricultural lands under the guise of "agritourism." When this topic has been debated at county committees, pro-commercial use advocates have repeatedly shared the rationale that the County should allow ranchers or farmers to hold any event they desire on their agricultural land

because if they make extra money from the event, then that will help them continue to stay in the agricultural business.

Using that logic, there would be rationale for the County to allow any business to deviate from any and all General Plan requirements on the grounds that the business could then make more money and thus have a greater chance of being profitable and staying in business.

Obviously that logic does not hold up as reasonable in terms of compliance with the State's intent to protection agricultural operations of agricultural land. **Policy 8.E.3** would allow for "festivals, parties, and other types of public gatherings on land zoned for agriculture when such events are educational or accessory to the agricultural use of the land."

O3-9 cont.

*** **Festivals, parties, rock or country music concerts, circuses, or other similar types of public gatherings may be profitable, but they are not "educational." CSERC also rejects the claim that such public gatherings are "accessory" to agricultural use of land. Furthermore, neighbors of agricultural lands have already decried County approval to permit weddings (with loud music, often until late at night) and other events on agricultural lands that often do not have paved access, often do not have sufficient parking, clearly do not have all public health infrastructure, etc. CSERC notes that previous correspondence from the State to the County concerning Williamson Act land and agritourism has already made clear to the County that such non-agricultural-related events are inconsistent with the agricultural land planning designation in the eyes of the State. CSERC urges that Policy 8.E.3 be removed from the final General Plan Update and that the General Plan does not direct the County to amend Title 17 to provide for public events and gatherings on Ag lands as an accessory use.**

CHAPTER 9 – FAILS TO PREVENT NEW DEVELOPMENT IN HIGH FIRE RISK AREAS

The majority of the Policies and Implementation Programs in the Public Safety chapter are non-controversial. However, the chapter is missing one of the most pivotal planning policies that the County can approve in order to minimize risk to public health within the County. The 2014 Butte Fire in neighboring Calaveras County should be a wake-up call for those who may not recognize that wind-whipped wildfires pose a significant risk across the lower elevations of the County – not just in upper elevation forest regions or in deep river canyons.

O3-10

With the ever-growing risk of wildfire across the extremely vulnerable foothills and forests of Tuolumne County, it is essential for the County General Plan to contain a policy that prohibits parcel splits, subdivisions, or any increase in development potential in extreme fire risk locations within the County. The Modesto Bee in early September ran a front-page article underscoring that county governments rarely restrict development in high fire risk areas, and thus, each year fire suppression crews must expand their protection of lives and properties rather than being able to directly attack a spreading wildfire.

The General Plan certainly has no option to prevent the building of a residence on property that is currently designated and zoned for such a residential use. But the General Plan Update has a public safety obligation to prohibit any new parcel subdivisions or other new discretionary approvals that could increase the number of structures or the number of families moving into extreme fire risk sites.

In the past, some County supervisors have acknowledged that is a legitimate role of local government to restrict new development from being located in the midst of high severity fuels and in terrain that limits the ability of fire suppression forces to protect residences. But then County supervisors have been persuaded by pro-development advocates to simply rely on the advice of local and state fire agency reviewers of proposed projects. The County has shifted its land use responsibility to fire agency staff who have openly shared with CSERC that they do not feel it is their role to recommend denial of land use planning projects. Instead, they look for how they can allow development, but potentially reduce some degree of risk by requiring additional fire flows or additional sprinkler systems, or other aids to fire suppression, rather than rejecting the subdivision of property or the creation of more lots in extreme fire risk locations. 03-10 cont.

*** **One of the most serious deficiencies of this General Plan Update is its failure to provide a clear mandated restriction prohibiting new development or any new subdivision of parcels located within extreme high-severity fire risk sites. CSERC urges the addition of a policy such as:**

"**Recommended Policy 9.G.6 -** Ensure that new development and/or new subdivision projects are not located on high-severity fire risk sites as identified by fire agencies.

Recommended Implementation Program 9.G.i – Coordinate with fire protection agencies to map areas within Tuolumne County that present extreme risk for placing new development within areas with potential for high severity wildfires. In addition to the County mapping areas with a high wildfire threat, when new projects are proposed, the County shall also consider site-specific factors affecting risk -- such as slope, access, flammability of vegetation, and proximity of suppression forces and the distance to fire protection agencies when evaluating land planning decisions."

CHAPTER 14 – WATER SUPPLY

Despite the County Board taking off one hat and putting on another as the County Water Agency, in reality the County has minimal authority or ability to achieve or maintain "water supply" within the County. What the County does have is the ability to ensure that water requirements tied to new development minimize water waste, ensure that there are adequate levels of water to meet long-term needs of the development, and avoid significant impacts on water resources. 03-11

Policy 14.A.1 aims to acquire Water Rights for the County. Political reality and case law combine to make that goal extremely unrealistic.

Implementation Program 14.A.b supports the efforts of a local water district to adjust a State Water Board permitted lake level at Pinecrest.

*** **Whether this is the right position or not, this is not a General Plan matter of either policy or of implementation of a policy. This is a narrowly focused political position. This implementation program does not belong in the General Plan. It is not "general."**

Policy 14.C.2 – "Encourage" new urban development to locate in areas where public water are sewer services are available or can be developed.

*** **The word "encourage" is especially inappropriate and would undermine the capacity for the General Plan to assure that mitigation is provided for new development. The word "Encourage" should be replaced with "Direct" new urban development to locate…**

Implementation Program 14.C.f has a positive, reasonable first sentence. <u>But the second sentence reads</u>: "Continue to develop and evaluate criteria to allow development to occur in areas of high ground water, impervious soils, limestone or other hazards without degrading the water resources." O3-11 cont.

*** **The County should not be "allowing development to occur" in areas of high ground water, impervious soils, etc. CSERC urges that the second sentence in Implementation Program 14.C.f be deleted.**

Policy 14.C.6 recognizes that County decisions concerning water resources have an effect on water supply needs for all beneficial uses, including for fish and wildlife. However, the associated Implementation Program only suggests consulting public water agencies to see if they can meet the demands of new development and population growth. Presumably, these water agencies will consider the other beneficial uses of water, but this is not conveyed in the Implementation Program as now written.

Policy 14.D.1 inappropriately calls for the County to "maintain a mutually beneficial relationship with water supply purveyors."

*** **That Policy would make more sense if it is re-worded: "Work collaboratively with water supply purveyors to strive for mutual benefits."**

CHAPTER 15 – AIR QUALITY

O3-12

Air Quality is a priority health resource that is vitally important to all County residents. However, as written, this chapter fails to provide strong direction to maintain air quality. That

is reflected in Goal 15A – which continues to call for sustaining and protecting air quality, but which includes the caveat of "while encouraging the economic vitality of local businesses and industries."

Policy 15.A.1 - "Accurately determine and fairly mitigate the local and regional air quality impacts of land development projects proposed in the county." The word "fairly" is highly subjective and can undermine the policy to mitigate for air quality impacts.

*** **CSERC recommends the deletion of the word "fairly" from that Policy.**

Implementation Program 15.A.a appropriately calls for developing an effective approach to air quality planning, but since this approach doesn't exist yet, it is difficult for the public to comment on whether it will be effective.

Implementation Program 15.A.b requires air quality impact evaluations for development projects "as necessary." As with prior policies and implementation programs where a qualifier makes the directive less clear, such wording undermines the implementation program. It is also unclear how the county will use these evaluations.

*** **CSERC recommends the deletion of the words "as necessary."** O3-12 cont.

Implementation Program 15.A.c requires project applicants to identify alternatives for projects that exceed air quality standards. However, the Implementation Program doesn't indicate whether these alternatives have to be adopted.

*** **Wording should be added to clarify that projects that would result in air pollutant emissions exceeding air quality standards will not be approved.**

Implementation Program 15.A.d requires project applicants to implement mitigation measures that reduce air quality impacts, but it is unclear how much reduction is necessary. 15.A.e also uses the unnecessary qualifier "as needed."

Implementation Programs 15.A.g and 15.A.h both discuss establishing buffer zones between sites that emit air pollutants and sensitive receptors, but they don't indicate buffer size, nor is it obvious that a buffer will suffice to protect sensitive receptors.

Policy 15.B.1 is positive in encouraging alternatives to personal cars, but the Implementation Programs listed for that policy are unclear. **Implementation Program 15.B.a and 15.B.c** use the words "support" and "encourage," neither of which provide any meaningful direction.

Policy 15.D.a encourages alternative methods for disposal of vegetative matter, but it is unclear how or when the County will do something meaningful to encourage such alternatives.

CHAPTER 16 – KEY NATURAL RESOURCE POLICIES ARE MISSING OR INADEQUATE

SCENIC RESOURCES

Even under the current General Plan, county supervisors were so protective of private property rights that many years ago they chose to eliminate a long list of Planning Department recommended "scenic" routes in rural areas of the County and along the only highway segment that was not state-designated as a Scenic Highway. Accordingly, only Highway 49 (exclusive of Sonora) and the stretch of Highway 108 east of Sonora to the top of the Sonora Pass are currently identified for any scenic protection.

Nevertheless, in the current General Plan, Goal 4.1 at least directs: "**Conserve** the scenic environment and rural character of the County…." That is a clear goal.

In contrast, the current General Plan Goal for Scenic Resources has been changed in the new General Plan Update to: **Goal 16A** - "Balance property rights with the conservation of the environment and rural character of the County…."

Then **Implementation Program 16.A.e** begins the Scenic Resource section with exempting lands designated as timberland or agricultural from the County's programs for conserving scenic resources…." 03-13

The new General Plan Update carries over weak (non-binding) wording in the Implementation Programs:

16.A.d – Encourage the conservation of the County's scenic resources along the transportation routes identified as Scenic….

16.A.e - Encourage hillside development to be designed and located to be compatible with…. the landscape…

16.A.f. – Maintain hillside development guidelines… (with no requirement for guidelines to be followed or made mandatory…).

16.A.g - Encourage the design of new development to blend with the natural contour of the land and the natural vegetation.

16.A.h – This Implementation Program directs the County to regulate signage to improve the visual attractiveness and appeal of the County…. (but the County has not enforced its existing sign ordinance for years, even when CSERC has provided formal complaints of violations, due to a purported "lack of staffing capacity." When CSERC has provided photo evidence to County staff of illegal signs, the signs often remain in place years later. Thus, wording directing the County to regulate signage appears to be ineffective.)

Policy 16.A.G – Encourage the protection of clusters of native trees and vegetation…. This once again relies on weak, nebulous wording - with no requirement to actually protect trees.

16.A.k – Establish an incentive program to retain existing vegetation, such as Heritage Trees. Directing for something to established after approval of the General Plan fails to be legally reliable, because it may never happen – plus there is no required time frame.

16.A.l – Maintain the Premature Removal of Oak Trees Ordinance. (This is positive)

16.A.m – Establish a Heritage Tree program (Again, as pointed out above, it may never happen – there is no required time frame, etc. plus this same objective was in the General Plan approved in 1991, and there is no such Heritage Tree program 27 years later.)

O3-13 cont.

*** **For all of the Policies and Implementation Programs related to Scenic Resources in this Chapter, CSERC strongly urges the removal of weak, nebulous wording such as "encourage" and the replacement with the word "Require" or "Direct." As an example, for 16.A.m: "To protect large or ancient trees that are a tie to the County's historic past, within one year after the approval of the General Plan Update, the County shall develop a Heritage Tree program to set criteria for preserving Heritage Trees and to provide necessary policies and implementation programs to preserve Heritage Trees."**

BIOLOGICAL RESOURCES - Natural Resources

IN TERMS OF BIOLOGICAL RESOURCES, THE MOST OBVIOUS LEGAL DEFICIENCY OF THE NEW PROPOSED GENERAL PLAN UPDATE IS THE SIGNIFICANT WEAKENING OF CURRENT GOALS, POLICIES, AND IMPLEMENTATION PROGRAMS.

The current 1996 General Plan contains very strong mandatory requirements that include, among other things, requirements for new development to achieve "no net loss" of habitat values for Valley Oak Woodland, Old Growth Coniferous Forest, Old Growth Oak, Cliff habitats, etc. The Plan emphasizes the "no net loss" policy for wetlands, and it requires Tuolumne County to maintain a Biological Resources Conservation Program as set forth in the Biological Resources Conservation Handbook.

O3-14

That Handbook is required, at a minimum, to address a priority system of evaluating relative values of wildlife habitats on private lands, mitigation measures for listed threatened and endangered species and other special status species, avoidance of Second Priority habitats for special status species, and mitigation for Third Priority habitats to avoid cumulative adverse impacts to those habitats.

IN CONTRAST, THE NEW GENERAL PLAN UPDATE HAS A NATURAL RESOURCES SECTION THAT CARRIES OVER WEAK, INADEQUATE POLICIES AND IMPLEMENTATION PROGRAMS, BUT HAS REMOVED OR WEAKENED ALL OF THE CURRENT PLAN'S TRULY EFFECTIVE, POSITIVE REQUIREMENTS THAT ACTUALLY RESULT IN BENEFITS FOR WILDLIFE, SCENIC RESOURCES, OPEN SPACE, ETC.

The CURRENT General Plan begins with the Goal:

Employ a proactive planning approach to conserve biological resources by adopting predictable and consistent evaluation and mitigation standards.

The new General Plan Update actually has an opposite goal, which is to do the minimum mandated by state and federal laws, in order to:

Support the diversity and quality of biological resources while balancing the needs of public use and private property rights. ("support" is nebulous, and there is no goal providing for a predictable and consistent evaluation of projects and mitigation standards).

Three of the first four Policies (16.8.1 through 16.8.4) in the General Plan Update simply state: "Recognize…" The word "recognize" has no clear meaning, no legal consequence, nor any clear direction. The only Policy to use the word "Require" is **16.B.3** which directs the County to "require" the consent of a property owner prior to designating Open Space…. None of the first four Policies under Biological Resources actually results in any benefit to biological resources.

As an example, **Implementation Program 16.B.b** reads: "Encourage the preservation of open areas…" but it contains no language describing how preservation will be achieved. As stated in our previous comments, such meaningless, nebulous policies or implementation programs do not meet the intent of state law. O3-14 cont.

Policy 16.B.5 – This policy simply requires that impacts be evaluated and mitigated consistent with state and federal law, which is a completely meaningless policy because it already exists as law.

Likewise, **16.B.i** is also meaningless because it simply restates existing law.

Policy 16.B.j is one of the most significant weakening implementation programs in the General Plan Update. As the policy establishing guidelines for determining whether a project may result in a significant impact to oak woodlands, the Policy starts with an acceptable bullet point definition of Oak Woodland, but **the second bullet point then significantly undermines oak woodland protection**.

That second bullet point narrowly defines a significant impact for a parcel only if it has tree removal that reduces the total oak canopy cover onsite to below 10% canopy cover. Thus, a parcel with 90% canopy cover could have most oaks cleared so that 80% of the canopy on the parcel is wiped out, leaving just 10%. That retention (which would result in the presence of 10% oak canopy) would mean that under the General Plan Update, the County could assume that there is no significant impact to biological resources despite the loss of nearly all the oak woodland habitat on the site.

Then the second bullet point further defines a significant impact for oak woodland to only occur **if the loss of oak woodland canopy on the site is greater than 10% and if that loss is "determined to be substantial in consideration of…. total acres, pattern of development, existing habitat functions, rarity, landscape position, etc.**"

Thus, under the threshold of significance defined in 16.B.j by the new General Plan Update, **the County Board of Supervisors could always determine there is no "significant impact" due to the loss of more than 10% oak canopy cover on a parcel because the conversion or loss is judged NOT to be "substantial". And the GP definition for "substantial" is completely without any criteria at all….** There is simply a list of things for consideration by the County (supervisors), without any measurable criteria for even one of the items on the list.

Policy 16.B.6 – Allows property owners to utilize the Tuolumne County Wildlife Handbook. In discussions with County staff, this was identified as something highly positive.

But in reality, this is a second major weakening action compared to the existing current General Plan. The current General Plan has **Policy 4.J.2** that directs the County to maintain a biological resources conservation program to facilitate a consistent, fair, and cost-effective approach to biological resource mitigation…

The current General Plan then has **Policy 4.j.a** that **directs the County to maintain a Biological Resources Conservation Program and a Biological Resources Conservation Handbook, and to use that handbook to address a priority system of evaluating relative values of wildlife habitats, mitigation measures for listed species, avoidance of Second Priority habitats (for special status species), mitigation for Third Priority habitats to avoid cumulative adverse impacts to habitats and species, and coordination with state and federal wildlife agencies** in updating the Handbook. O3-14 cont.

ALL OF THAT DETAILED, VERY CLEAR LANGUAGE IN THE CURRENT GENERAL PLAN, WHICH REQUIRES MITIGATION FOR IMPACTS TO BIOLOGICAL RESOURCES, HAS BEEN DELETED IN THE NEW GENERAL PLAN.

INSTEAD, THE NEW **Policy 16.B.6** allows property owners to utilize the Wildlife Handbook "to assist" in designing mitigation. **Unlike the current General Plan, there is no requirement for mitigation of projects to actually be consistent with what is in the Handbook,** whether or not applicants choose to use the handbook "to assist in designing mitigation."

Policy 16.B.7 simply encourages development to be **within** identified communities in order to minimize impacts to biological resources. As repeatedly pointed out, "encourage" is meaningless, plus there is no assurance that new development allowed to occur within the boundaries of so-called "identified communities" will consistently mean less impacts to biological resources.

*** **Nebulous or unclear language should be deleted from all Policies and Implementation Programs with clear, directive wording substituted to ensure measures are enforceable.**

ANOTHER NEGATIVE IMPLEMENTATION PROGRAM

Implementation Program 16.B.l allows the County to evaluate the appropriateness of exempting projects in identified communities from **16.B.j** (which already has weakened the definition of what a significant impact is to oak woodlands). Thus, **16.B.i** would further enable the Board of Supervisors to exempt a project from needing to mitigate for wiping out oak woodland habitat.

16.B.m – speculates that there may be reduced impacts to resources if projects are concentrated in identified communities – which may or may not be valid based on many factors.

16.B.o – For projects within identified communities, this Implementation Program only requires oak woodland habitat to be retained "as much as possible." Any applicant can thus claim it is not economically "possible" to retain oaks if he/she wants to make more money by getting approval for more intensive development.

O3-14 cont.

The remainder of policies and implementation programs in the biological resources sections call for non-existing "future" actions to be taken, **yet there are no timeframes, no mandatory requirements, nor any assurances that any of the following measures will be done.**

16.C.1 – Develop a Natural Resources Division…

16.C.2 – Develop an incentive program…. to conserve areas…

16.C.3 – Support efforts to identify and protect… resources areas…

And the final Policy tied to Biological Resources underscores how much the new General Plan has weakened oak woodland and native tree protection that is clear in the current Plan:

Policy 16.C.5 – Encourage the conservation of oak woodlands and the preservation of heritage trees. As noted previously in these comments, "**Encourage" is nebulous, without any mandatory action, and cannot be relied upon for legal mitigation purposes.**

*** **The changes made to delete important protective measures for biological resources will result in significant impacts that are not mitigated in the General Plan Update as now proposed. To comply with State law, the County must adopt measures to reduce a significant impact when such measures are feasible and available. CSERC urges that the final General Plan Update contain the following feasible and available measures:**

O3-15

The General Plan Update needs to retain the existing policies from the current General Plan that direct the County to achieve "no net loss" of habitat values for Valley Oak woodland and for Old Growth Oak.

There needs to be an emphasis of the "no net loss" policy for wetlands.

The General Plan Update needs additional language identifying that -- although the use of the Biological Resources Conservation Handbook is optional -- project applicants shall provide mitigation for project impacts in a manner that is consistent with and equaivalent to the mitigation strategies in the Handbook. Thus, projects should provide mitigation measures for potential project impacts to Second Priority habitats for special status species and should contain mitigation measures for Third Priority habitats in order to avoid cumulative adverse impacts to those habitats. O3-15 cont.

CHAPTER 17 – NATURAL HAZARDS

Policy 17.A.2 calls for enhancing existing policies that reduce damaging effects of natural hazards, but the associated Implementation Program just updates the County's General Plan with new State and Federal laws. Additional policies should be identified and added.

Policy 17.A.5 is extremely vague and does not include Implementation Programs.

Implementation Program 17.B.c only "encourages" – it doesn't explicitly require property owners in the 100-year floodplain to conform to the Flood Damage Prevention Ordinance.

Implementation Program 17.D.m calls to "consider" developing a hazardous structures mitigation program" – this wording is weak and meaningless. More meaningful wording should replace the weak language.

Policy 17.E.1 is positive in that it calls for only allowing development in high/very high fire hazard areas if it can be made safe through planning and safety measures. However, as noted previously in these comments, the County has a track record of consistently approving development in high hazard areas with minimal fuel treatment requirements and with few other fire safety precautions being mandated. O3-16

Policy 17.E.6 calls for **encouraging** rapid post-fire assessment and rehabilitation of burned lands, but it is unclear how this would be implemented. The associated Implementation Program says the county will "support" the development of burn area recovery plans, but it's also unclear what this support will entail. Given that most post-fire recovery efforts take place on federal lands or private forest timberlands within the county, any General Plan direction toward post-fire recovery planning may have little nexus to the County's role and its responsibility.

Policy 17.E.9 calls for the County to **"consider"** the effects of wildfire prevention and recovery plans on wildlife and cultural resources. The associated Implementation Programs are also vaguely worded and do not include concrete, enforceable implementation actions.

Implementation Program 17.F.e – Directs the County to **"consider"** updating the Multi-Jurisdictional Hazard Mitigation plan. The word "consider" is not a clear, enforceable directive, and it undermines any relevance the Implementation Program may be intended to achieve. 03-16 cont.

*** **As identified in previous comments, nebulous weak wording should be corrected.**

CHAPTER 18 – CLIMATE CHANGE AND GHG EMISSIONS

First and foremost, CSERC underscores that **the comments provided on behalf of our Center by Shute, Mihaly & Weinberger are the highly applicable to CSERC's concern that the General Plan and EIS are legally deficient when it comes to climate change and reduction of GHG emissions.** We emphasize that comments in that letter from our attorneys are the most important input provided by our Center. However, the following additional input is provided.

The purpose of the Climate Change chapter as stated in the General Plan Update "is to implement policies and programs to reduce greenhouse emissions consistent with State greenhouse targets and promote the adaptation and resiliency of local communities in a changing climate." In order to achieve that, the County has developed Implementation Programs that primarily describe potential steps or possible strategies to reduce GHG emissions so as to comply with state targets. 03-17

However, **there is almost no meaningful wording in the General Plan Update and DEIR that ties the list of possible GHG emission-reduction actions to any actual required implementation of GHG emission reduction requirements in the County**.

To provide a long list of potential ways to reduce GHG emissions does not result in any assurance that the County or project applicants seeking approval for development projects will implement any or many of the potential actions.

Furthermore, much of the language in the General Plan Update and DEIR related to implementation is pro-development, rather than mandating changes to existing and future infrastructure to help reduce GHG emissions. We also point out that very recent additional GHG-related climate legislation has been passed in regards to renewable energy since the Plan Update and DEIR were released (**as of September 10, 2018 Governor Brown signed into law SB 100). This new legislation needs to be addressed in the General Plan Update**. 03-18

Below are several issues that our Center believes need to be corrected in regards to the Climate Change chapter before the finalization of the Tuolumne County General Plan.

ISSUE 1 -- The General Plan Update needs to address Senate Bill 100, which was just signed into law on September 10, 2018, mandating that all electricity come from renewable sources by 2045 and that 60% of energy in the state come from renewables by 2030.

On September 10, 2018, Governor Brown also announced an executive order mandating that the state achieve carbon neutrality by 2045.

Our Center understands that there is no language in the current DEIR and General Plan Update regarding SB 100 or the executive order, since the County's documents came out prior to the Bill being signed into law. However, CSERC believes that it is legally necessary for the County to respond to our comments noting the existence of the new mandates and the need for consistency by the General Plan Update. 03-18 cont.

*** **CSERC asserts that the County must revise the General Plan Update to include policies and implementation programs that require future development projects to only be approved to the extent that they can comply with the objectives of SB 100 and the executive order.**

ISSUE 2 – The County's GHG emissions are anticipated to exceed statewide targets due to projected future development under the General Plan Update.

It is unacceptable and inconsistent with State mandates that projected development in Tuolumne County (as a result of the General Plan Update) would result in annual GHG emissions exceeding the 2040 statewide target per service population. It is also inconsistent with State mandates that projected annual GHG emissions would also be in conflict with the state's 2017 Scoping Plan (DEIR, page ES-15, Table ES-1 Impact 3.8-1).

*** **To mitigate for the amount of development that would be allowed by the policies and implementation programs of the General Plan Update, it is essential that the County mandate certain criteria for new development in order to minimize GHG emissions related to future development. One way this can be accomplished is by including language in the General Plan Update mandating that all new development must be "required" (not just "encouraged") to comply with Green Building standards and Building Energy Efficiency standards. Similarly, in order to mitigate for new development, the General Plan update should mandate that new development must utilize specified levels of renewable/green energy sources, must conserve natural lands and trees for carbon sequestration wherever feasible, and must use building designs and maintenance that reduce energy, water and waste consumption.** 03-19

ISSUE 3 – A Climate Action Plan (CAP) to establish GHG reduction targets for the County "may not be fully implemented".

It is also unacceptable that the County's EIR suggests that the envisioned GHG emission reduction plan -- also known as a Climate Action Plan (CAP) -- that establishes a GHG reduction target for the County consistent with SB 32, <u>may not be fully implemented</u>: 03-20

"The General Plan Update would result in a considerable increase in GHG emissions and would conflict with the state's 2017 Scoping Plan which was adopted for the purpose of reducing GHG emissions. The General Plan Update includes a number of goals, policies, and implementation programs which would reduce GHG emissions associated new land uses. Policy

18.A.1 in the Climate Change chapter requires the development of a CAP with a target of reducing GHG emissions consistent with statewide targets. However, it is unknown whether the CAP would be fully implemented and, in turn, reduce countywide emissions consistent with state targets. Therefore, this impact would be significant."(DEIR, page ES-15, Table ES-1 Impact 3.8-1)

03-20 cont.

*** **To comply with State legal direction, it is essential that the County put language in the General Plan Update requiring that the CAP be fully implemented by a specific time period (3 years post-General Plan Update approval.**

ISSUE 4 -- Policies that CSERC recommends be added to the General Plan Update

*** **Below are policies or specific language for policies or actions that should be added to the climate change chapter of the General Plan Update:**

1. **Develop, adopt, and implement a GHG reduction plan (or Climate Action Plan) within 2 years of General Plan approval, outlining the strategies, goals, and actions that the County commits to apply to new development in order to reduce greenhouse gas (GHG) emissions consistent with AB 32 and SB 32.**
2. **Provide incentives in new development and in retrofitting existing structures for the use and installation of renewable energy generating systems in residential structures, including solar, wind, bio fuel, and other systems, consistent with the goals of SB 100.**
3. **Mandate the use and installation of renewable energy generating systems for new development and the retrofitting of existing facilities for both county projects and private development projects, including options such as solar, wind, bio fuel, and other systems.**

03-21

CSERC COMMENTS FOCUSING ON THE GENERAL PLAN EIR

In addition to the highly detailed comments concerning the Tuolumne County General Plan Update and EIR that are being submitted on behalf of our Center by the law firm of Shute, Mihaly & Weinberger, the following "supplemental" comments are submitted by CSERC staff with a focus on the EIR.

In 2016 our Center provided extensive detailed input to the County concerning the then-proposed General Plan Update and the inadequate EIR analysis. Reviewing our comments submitted at that time shows that the County and the consultant hired by the County have consistently ignored the overwhelming majority of specific comments that CSERC submitted previously in this General Plan Update process that has now evolved to be this latest iteration of the proposed General Plan. **CSERC notes that we intend that all previous comments that we submitted in response to the previous General Plan Update in 2016 shall be made a part of the legal record for this revised version of the Tuolumne County General Plan.**

03-22

SIGNIFICANT IMPACTS IN THE DEIR

TRUE EXTENT OF GROWTH THAT WOULD RESULT FROM THE GENERAL PLAN UPDATE IS NOT ACCURATELY ESTIMATED NOR EVEN DISCUSSED

As CSERC has provided in previous comments for the prior version of the General Plan and its deficient EIR, Tuolumne County continues to illegally limit its consideration of the impacts of what is allowed by the General Plan Update to the amount of estimated development that would occur by 2040. In reality, policy changes, the conversion of Agricultural lands to other uses, and other policies openly intended to promote development will ripple on to result in expanded growth and development on beyond 2040

A previous County supervisor called our Center two weeks ago to share his frustration with the latest iteration of the General Plan Update, and in particular, he shared again the planning estimate work that was done by County staff many years ago based on just the current General Plan. If currently existing General Plan land use designations and current zoning was calculated to produce the possible amount of population growth that could occur if all properties were developed to their maximum potential, the exercise done by County staff years ago showed that outcome to result in a population of roughly 400,000 residents. Obviously, many parcels are not physically able to be built out to the maximum degree as their planning entitlement may allow, but even at only 75% of their potential, the current General Plan could statistically produce growth many times greater than assumed by the EIR. 03-23

When the new proposed policies and implementation programs of this General Plan Update then are factored in with a measurable increase in potential growth, the resulting total "build out" spirals incredibly higher than any mitigation measures can compensate for if the General Plan Update is approved. Put most directly, the EIR fails to accurately describe and estimate build out that would result from approval of the General Plan Update.

THE RANGE OF ALTERNATIVES CONTINUES TO LEAVE OUT REASONABLE AND FEASIBLE ALTERNATIVES THAT WOULD REDUCE THE SIGNIFICANCE OF IMPACTS

"An EIR need not consider every conceivable alternative to a project. Rather, it must consider a range of potentially feasible alternatives that will avoid or substantially lessen the significant adverse impacts of a project, and foster informed decision making and public participation." 03-24

Throughout our involvement in the General Plan Update process, CSERC has repeated urged that the County consider a resource protection – rural character alternative that would still allow for sufficient development to meet and surpass the estimated,, projected need – but which would do so by truly constraining development outside of defined communities and would do so without allowing weakening policies that have potential to significantly degrade biological resources within the County. Without such a rural character or conservation-focused

alternative, the General Plan Update and EIR will fail to comply with applicable state law. Yet that is exactly what the current General Plan Update and EIR fail to do.

Over and over CSERC staff has pointed out that even in the Regional Blueprint process, where CSERC staff had a seat at the table during committee discussions, the majority of those shaping that committee's recommendations were county supervisors and advocates for the building industry who were not interested in having a "slow growth, conservation resource protection, rural quality of life" alternative considered for approval.

In CSERC's prior comments for the previous version of the General Plan Update, we emphasized: "**Based on many major defects and flaws, CSERC asserts that CEQA requires there to be a recirculation of the DEIR with extensive new information and analysis, as well as a reasonable range of alternatives and the development of feasible mitigation measures for significant impacts.**

This is not simply a matter of a situation where the supervisors and supportive building interests promote one approach and the conservation community promotes another. State law and a strong legal record of court decisions both make it clear that a lack of a reasonable range of alternatives -- as well as inaccuracies and flaws that permeate the DEIR -- require correction and recirculation of the EIR. **As part of that corrective action, the DEIR needs to provide at least one alternative that would realistically reduce the significance of impacts through the implementation of feasible mitigation measures**." O3-24 cont.

Yet once again, despite our previous comments, the County is proposing approval of an inadequate General Plan Update without careful consideration of a reasonable range of alternatives. The County is also promoting an inadequate EIR that fails to clearly acknowledge the legal deficiency of the County by not providing a reasonable range of alternatives as clearly required through many previous court decisions in the State.

On page 6.4 of the EIR, the text incorrectly claims:

"**Conservation Alternative**. This alternative would prioritize protection of natural, agricultural, and cultural resources, as well as recreation access. Since the draft General Plan Update was released to the public in 2015, many of the policies have been revised to further prioritize resource protection including policies related to oak woodland protection. The Recirculated Draft EIR concludes that, with implementation of mitigation measures, impacts to biological resources are less than significant. The Recirculated Draft EIR also concludes that impacts related to recreation are less than significant, due to the revised parkland provision policy that is consistent with the Quimby Act and more consistent with the parkland provision policies of other nearby counties. For these reasons, this alternative is dismissed from further consideration."

As CSERC identified previously in this comment letter, the General Plan Update contains weakly worded, nebulous policies related to oak woodland protection. The EIR is incorrect in claiming that those weakly worded measures eliminate the need for an alternative that would prioritize protection of natural, agricultural, and cultural resources. In

fact, as our comments underscore, the General Plan Update and "additional" policies recommended by the EIR result in a Significant Impact to wildlife and to oak woodland habitat if the General Plan Update measures are compared to the existing General Plan and policies applied from the Wildlife Handbook. The claim that a Conservation Alternative is not needed is not supported by facts or by any impartial analysis.

03-24 cont.

*** **The General Plan Update must be modified to correct all legal deficiencies and to assure higher levels of protection for biological resources, agricultural lands, Open Space, and scenic values. The Final EIR must comply with the State mandate to consider a reasonable range of alternatives, including a Conservation Alternative.**

ADDITIONAL ALTERNATIVES THAT ARE NOT RECOMMENDED ARE NOT TRUE "ALTERNATIVES" TO THE GENERAL PLAN UPDATE

On page 6-5 of the EIR, it is positive that at least consideration of small slices of extensive previous comments did lead the EIR consultant to address one or two aspects of comment concerns. For example, Alternative 5 – Williamson Act Property Preservation would result in 134 acres of land, that is designated agriculture and is currently under Williamson act contracts, would not be re-designated to residential use. Out of an extremely broad range of legal defects in the proposed General Plan Update, this Alternative would only adjust that one small aspect of the overall General Plan, so while that one change is positive and supported by CSERC, it is overall meaningless as an Alternative because it only addresses that one small issue.

Likewise, Alternative 6, the Modified Public Services alternative, would respond to previous critical public comments concerning the General Plan Update by directing that no land located outside of identified communities would be re-designated from agriculture to non-agricultural use. Again, CSERC supports that change, and supports the changes in both Alternative 5 and 6 being incorporated into the General Plan Update. But simply because it makes one change on a single issue does not make either Alternative a feasible and reasonable alternative to the General Plan Update, since 99% of General Plan direction would be identical.

03-25

BOTH OF THESE ALTERNATIVES HAVE POSITIVE IMPROVEMENTS FOR THE EXTREMELY NARROW ISSUE OF CONCERN THAT IS THEIR SPECIFIC FOCUS. **BOTH OF THE CHANGES DESCRIBED IN ALTERNATIVE 5 AND ALTERNATIVE 6 SHOULD BE INCORPORATED INTO THE GENERAL PLAN UPDATE IN ORDER TO FEASIBLY REDUCE THE SIGNIFICANCE OF IMPACTS.** BUT NEITHER OF THESE ALTERNATIVES DEALS WITH THE FULL BREADTH OF GENERAL PLAN TOPICS OR ISSUES, AND THUS, BOTH OF THEM ARE PRIMARILY EXACT DUPLICATES OF THE PROPOSED GENERAL PLAN UPDATE EXCEPT FOR THEIR VERY NARROW DIFFERENCES ON ONE ISSUE.

Accordingly, the EIR fails to provide any meaningful alternative that would respond to the reasonable objective of a General Plan that would prioritize protection of natural resources, agricultural lands, Open Space, and rural character in Tuolumne County. **CSERC believes that this failure to provide a reasonable range of alternatives once again results in this latest**

General Plan Update being out of compliance with State law and in direct conflict with requirements to feasibly reduce significant impacts to the extent realistically possible.

***** In terms of the legal defect of failing to provide a reasonable range of alternatives, CSERC urges the County to also carefully review the General Plan and EIR comments submitted on behalf of our Center by Shute, Mihaly & Weinberger. In particular, we note that their letter emphasizes that a Conservation Alternative that prioritizes protection of natural, agricultural, and cultural resources would measurably reduce the impacts of the General Plan Update. The final EIR should fully consider adoption of such a feasible alternative in order to reduce the Significance of impacts.** O3-25 cont.

THE EIR ANALYSIS OF THE GENERAL PLAN UPDATE'S IMPACTS TO BIOLOGICAL RESOURCES IS HIGHLY FLAWED AND INADEQUATE

Throughout the EIR's analysis of potential impacts to Biological Resources, the EIR fails to acknowledge that measures that "encourage," "recognize," consider", or contain similar nebulous wording are measures that lack any legal mandate for an action or outcome to occur. Instead, the EIR consultants assume that measures that "encourage the protection of…" would actually lead to protection of the specified resource or resource value. In reality, such nebulous wording (as identified in detail previously in these comments, cannot be relied upon to be applied in a manner that requires mandatory outcomes, since the measures' meanings are written with nebulous, non-mandatory language.

Classic examples of this legal defect include policies such as **Policy 16.B.2**: "Recognize that agricultural and timberlands may be compatible with biological resources." There is no action or outcome of this policy that in any way benefits the protection of resources. Or Policy 16.A.6: "Encourage the protection of clusters of native trees an d vegetation and outstanding individual native and non-native trees…." Who will "encourage?' Who will care if they are encouraged, and how will being encouraged actually alter proposed development actions? In reality, the failure of EIR consultants to acknowledge that weak-worded measures have no legal consequence reflects a lack of professionalism and an apparent bias in favor of supporting the poorly written measures in the General Plan Update, rather than neutrally analyzing the Update and recommending wording to correct legal defects. O3-26

CSERC has raised this concern previously in these comments, but the failure of the EIR to identify this as a problem or deficiency is the key focus of comments on the problem again in this EIR critique.

The EIR analysis of Biological Resources is further flawed due to the consultants' assumption that allowing exceptions to measures at the discretion of the Board of Supervisors will nevertheless result in the measure being implemented effectively. This problem is spelled out in detail previously in these CSERC comments, but the fact that the EIR fails to address the ability for county supervisors to simply deviate from a measure again reflects poorly on the adequacy of the EIR.

Just a few examples of this legal defect include:

Implementation Program 4.A.b states that the County may allow exceptions to the Level of Service (LOS) standards after all reasonably-feasible measures and options are explored. (Allowing supervisors to allow exceptions could result in consistent exceptions.)

Implementation Program 3.8.6 allows that instead of requiring industrial development to connect to public water, the County supervisors may grant an exception and allow industrial projects to connect to a private water system (well). Pressure will be high for the County to grant such exceptions so that industrial use can be located in areas where no public water is available.

Policy 2.c.d allows the County to deviate from requiring compliance with development standards, which could result in frequent requests to deviate from the required standards.

By providing mitigation requirements, and then allowing exceptions or deviations to those measures at the behest of county supervisors, the General Plan Update undermines the expectation that the mitigation measures will be consistently required and implemented. Yet the EIR does not ever address this major flaw in the General Plan Update.

O3-26 cont.

OAK PROTECTION IS SIGNIFICANTLY WEAKENED BY THE GENERAL PLAN UPDATE COMPARED TO THE EXISTING GENERAL PLAN, YET NO EVIDENCE FOR THE JUSTIFICATION FOR WEAKENING OAK PROTECTION MEASURES IS PROVIDED

Similar to many other issues that are not accurately assessed by the EIR, the failure of the General Plan Update to retain existing protective measures for oak woodlands is inaccurately rationalized by the EIR to not result in significant impacts.

Page 3.4-20 of the EIR summarizes SB 1334 oak woodland protection requirements that are a State-required minimum as mitigation for projects that may negatively affect oak woodland habitat. As in numerous other locations, that summary of the EIR fails to emphasize that planting an appropriate number of oak trees for mitigation cannot make up more than half of the mitigation for oak impacts.

In the General Plan Update, Implementation Programs 16.B.j and 16.B.i establish a new, weak threshold of significance that could allow development to wipe out 90% of the oak woodland on a project site, and yet not result in a determination that the project would cause a significant impact. Furthermore, the language of those Implementation Programs allows the County to judge a long list of nebulous factors (such as “rarity,” “landscape position,” “stand age or size-class structure”) and then determine that a loss of 10% or greater of oak canopy woodland stand on the parcel is not determined to be substantial.

O3-27

FOR THE EIR TO FAIL TO ACKNOWLEDGE THAT THE NEW POLICIES AND IMPLEMENTATION PROGRAMS IN THE GENERAL PLAN UPDATE MARKEDLY DIMINISH PROTECTION FOR OAK WOODLAND HABITAT IN COMPARISON TO EXISTING OAK WOODLAND POLICES OF THE CURRENT GENERAL PLAN IS A MAJOR LEGAL DEFECT IN THE EIR.

Additional weakening language in the General Plan Update further undermines the protection for oak woodland. **Implementation Program 16.B.0** directs the County to "retain oak woodland habitat" within identified communities "as much as practical." That caveat opens the door to county supervisors persistently judging that protecting oak habitat in development projects in identified communities is simply "not practical," and thus no measures to protect oaks may be required. O3-27 cont.

ONCE AGAIN, THE EIR FAILS TO ADDRESS THE WEAKENING OF MEASURES THAT ARE SUPPOSEDLY INTENDED TO PROTECT OAK WOODLAND HABITAT OR TO REQUIRE CORRECTIVE LANGUAGE .

On page 3.4-30 of the EIR, **the following false and misleading determination is provided -- describing potential impacts affecting critical habitat** (such as oak woodlands) that could result from proposed new development in Tuolumne County:

"Although habitat for special-status plant and animal species may be directly or indirectly affected, **potential disturbances or loss as a result of projected development under the General Plan Update are expected to be focused within the identified communities**. Additionally, under the General Plan Update, each discretionary project that could affect biological resources would require project-specific environmental review. For species listed as threatened or endangered under ESA or CESA, which are considered the species rarest and most vulnerable to disturbance or loss as a result of development, existing state and federal laws address potential impacts through site-specific environmental review and permitting requiring development and implementation of project-specific conservation measures to minimize or avoid impacts through the design process, and providing compensatory or other mitigation for any adverse effects on these species as a condition of project approval. Specifically, **USFWS and CDFW would not permit a project that would degrade habitat or result in take of a state or federally listed species without compensatory mitigation to fully mitigate for the significant impact**. The County will require project applicants to obtain any required take permits prior to project implementation." O3-28

There are two major flaws (highlighted in blue text) in the EIR consultants' judgment that pervasively undermine the validity of determinations made by the consultants concerning the General Plan Update's adequacy for protecting biological resources.

First, it NOT accurate or valid for the EIR consultants to claim that projected disturbances or habitat loss from development can be expected to be <u>focused within identified communities</u>. There is no mandatory direction in the General Plan Update directing new development to primarily or completely be steered to identified communities. There is simply soft wording to encourage that outcome. And even if new development end up being proposed within identified communities, that does not mean that large vacant parcels of

important oak woodland habitat, riparian corridors, stream zones, or other critically important habitat will not be at risk from development in those areas.

Second, it is not accurate or valid for the EIR consultants to claim that USFWS and CDFW would not permit a project that would degrade habitat without compensatory mitigation to fully mitigate for the significant impact. That is simply not true.

USFWS has such limited staffing and has literally accumulated so many years of backlogged work demands that even when a at-risk wildlife species such as the local Sierra Nevada red fox is proven by scientific analysis to be fully warranted for listing, USFWS admits that it is precluded from listing the species due to a lack of capacity to be able to develop a recovery plan or to even do field analysis. USFWS does not have capacity to assure that each and every development project in Tuolumne County is carefully reviewed and that mitigation requirements are expeditiously provided prior to a decision on that project.

Likewise, State Fish and Wildlife staff have extremely broad responsibilities and only limited time and resources. Many projects proposed in Tuolumne County get the briefest of paper review by those agencies and only trigger close analysis of potential impacts if certain criteria results in that project rising to a level of closer scrutiny. **It is also false for the EIR to also claim that agency input results in full mitigation for a significant impact.** In truth, the only legal assurance (when the wildlife agencies engage in assessing mitigation for projects) is that they will recommend mitigation measures to reduce the significance of impacts expected to be caused by a project. County supervisors then make decisions whether to adopt those agency recommendations or whether to ignore/overrule those recommended mitigation measures. O3-28 cont.

For all of these reasons, the discussion provided in the EIR is both misleading and false. In reality, the General Plan Update does not contain adequate mitigation measures to assure that biological resources will be successfully protected from the level of development and growth allowed by the General Plan Update. In reality, the EIR misleads with erroneous claims judging that state and federal agencies have the capacity to ensure that all Tuolumne County projects will be appropriately reviewed and assigned necessary mitigation to prevent significant impacts to wildlife habitat or to at-risk species.

ACCORDINGLY, THE EIR IS FLAWED AND FAILS TO COMPLY WITH STATE LAW.

MANY OF THE GENERAL PLAN'S SIGINIFICANT IMPACTS ASSOCIATED WITH BIOLOGICAL RESOURCES COULD BE REDUCED IF FEASIBLE MITIGATION MEASURES WERE DESIGNED AND ADOPTED

O3-29

There are two distinct, but overlapping, deficiencies in the EIR when it comes to evaluating Significant Impacts. **First, for numerous impacts, the EIR incorrectly dismisses the impacts as Significant** due to misleading assumptions, over-reliance on non-mandated and

speculative mitigation requirements, or through other flaws. **Second, where the EIR correctly judges that an impact will, indeed, be Significant, the EIR then stops short of identifying feasible and realistic measures that would substantially reduce the level of Significance of the impact.**

THE EIR INCORRECTLY JUDGES THAT NUMEROUS IMPACTS WILL NOT BE SIGNIFICANT

The EIR contains numerous instances where the consultant incorrectly dismisses an impact as being a Significant impact. For example, **Impact 3.4.1 acknowledges that projected development under the General Plan Update may result in the disturbance or loss of special status plant and animal species. "However, the compliance with state and federal law, as well as implementation of the General Plan Update's policies and implementation programs, would reduce potential impacts of project development..." The judgment by the EIR consultant is that the impact would be less than Significant.**

This judgment is flawed and incorrect. Under the current existing General Plan, the Wildlife Handbook and the Biological Resources Program have been developed in direct cooperation with state and federal wildlife agencies who provided input to enhance and strength the Handbook policies and measures. In contrast, the General Plan Update has no assured use of the Wildlife Handbook (it is strictly an option) and the General Plan Update no longer requires that if the Handbook is not utilized to mitigate for a project's impact to special status species, then alternative mitigation measures must be commensurate with what the Handbook requires. O3-29 cont.

For second priority and third priority habitat impacts, without the Handbook, state and federal wildlife agencies may never have sufficient staff or resources to carefully review each and every Tuolumne County project in order to provide rationale for defining sufficient mitigation measures for every impact to those priority habitats. That, in fact, is exactly what some participants in the General Plan Update process have openly expressed hope for at meetings – that if Tuolumne County retracts the Wildlife Handbook and commensurate policy requirements, that over-stretched state and federal wildlife agencies will not have the capacity to require mitigation for many local county projects.

Further, as emphasized throughout these comments, **"implementation" of the General Plan Update's policies and implementation programs for Biological Resources are predominantly tied to non-mandatory language such as "encourage," "support," "provide," and "recognize" – none of which have any legal mandatory outcome to assure that resources will be protected.**

And finally, many of the remaining General Plan Update policies and implementation programs for Biological Resources (Natural Resources) utilize language that directs the County to "develop" a programmatic approach, to "develop" an incentive program, to "develop" a Natural Resources Division, or to "establish" thresholds of significance, or to "create" a voluntary register....

It is not consistent with State law for a project to depend upon mitigation based on policies and implementation programs that describe an objective to take some future action that has no time-frame and where there is no associated consequence provided for not completing the future action. THUS, ALL OF THESE MEASURES ARE UNCERTAIN, NEBULOUS, AND COMPLETELY INAPPROPRIATE TO POINT TO AS MITIGATION.

For the reasons described above, the EIR consultants' judgment that impacts to special-status plant and animal species will be mitigated to a level that is less than significant is a judgment that is not defensible nor legally compliant with State laws.

Another glaring example of a flaw of judgment tied to the level of significance in the EIR is associated with **Impact 3.4.4 – Disturbance or loss of animal movement corridors.**

In the EIR, the text claims the significance of the impact to be Less than Significant, but that judgment is made without even the slightest justifying evidence. Contrary to the claim, the EIR acknowledges that development may interfere with movement of resident or migratory fish or wildlife species or with established wildlife corridors. Yet despite that acknowledgment, the EIR goes ahead and judges the impact to animal movement corridors to be Less than Significant. 03-29 cont.

In reality, the current Wildlife Handbook establishes recommended stream corridor buffer setbacks as a basis to ensure that wildlife can still move unimpeded along streams to move across properties to reach food, water, shelter, and to migrate with the seasons.

Yet nothing in the General Plan Update provides any recommendation to ensure that there is wildlife habitat protection along streams or that there is wildlife movement corridor protection along streams or ridge lines. Instead, the EIR assures that because the County intends to have project applicants comply with state and federal laws, then wildlife impacts will magically be mitigated. That is not supported in the EIR.

The second EIR deficiency identified by CSERC and by Shute, Mihaly & Weinberger is that when an impact is accurately acknowledged to be Significant by the EIR, the EIR fails to propose feasible and realistic mitigation measures that would measurably reduce the impact, even if the project might still rate as Significant after the mitigation. This must be corrected in the FEIR.

The classic example of this legal flaw in the EIR is represented by **Impact 3.8.1 - Generation of GHG Emissions, either Directly or Indirectly.** CSERC agrees that the EIR is accurate in rating this impact as Significant given the failure of the General Plan Update to put forward progressive, meaningful, measurable, and effect mitigation requirements to reduce the emissions that would be generated from new development and/or to target emissions of existing sources of emissions when approving new projects. Again, CSERC agrees with the rating. 03-30

But the EIR consultant inappropriately and illegally simply provides a lengthy list of emission reduction measures to list in the CAP. **Providing a list of "possible" measures without**

any mandate for new projects to actually be required to implement any or all of the long list of possible measures is a completely meaningless and bogus mitigation. It appears to be purposely presented to make interested members of the public believe that mitigation will be substantial, when, in fact, not a single one of the long list of measures has any time frame for required implementation, any directive as to who will be responsible for the measure, or any other assurance that the listed measure will be acted upon.

Furthermore, when the EIR lists measures that are unclear and nebulous, that is the opposite of what State law requires, which is to adopt and implement meaningful mitigation that is feasible in reducing a Significant impact. Instead, the EIR lists measures such as: "Refine protection guidelines for existing riparian lands to establish a no-net-loss goal." First, it is completely unclear how refining protection guidelines for riparian areas has anything to do with GHG emissions, and second, putting such an item on a list has no connection to feasibly achieving the outcome. **Instead, the EIR could have established a long list of feasible and realistic mitigation measures such as those CSERC lists below, and those could realistically reduce the degree of Significance of the GHG emission issue.**

***** A few potential mandatory GHG Emission Reduction Measures that the EIR could be requiring are listed below by CSERC as <u>examples</u> of feasible measures that could be adopted in the General Plan Update to legitimately reduce the Significance of GHG emissions in new development approved in Tuolumne County:**

O3-30 cont.

TRANSPORTATION

New projects shall contribute towards public transit funding in order to upgrade and enhance transit options.

New projects shall provide a minimum of one electric charging station for every 30 parking spaces that are required for the project.

New development projects that will employ 50 or more employees shall either provide for employee housing on site for at least 10% of employees or the project shall contribute to a County fund to incentivize construction of affordable housing.

ELECTRICITY

New development projects shall be required to use "smart lighting" (b-level sensor LED or LED-solar systems) for all outdoor lighting and streetlights, all parking lots and parking garages, and interior common areas of commercial building. A bi-level lighting system provides a minimum level of light to meet minimum safety concerns and then increases lighting when people are present, using a motion-sensor-based system.

All lighting fixtures, appliances, and air conditioning units in new development that include residential units or commercial buildings that are approved through discretionary permits shall have the Energy Star rating.

The few draft measures listed above are simply provided as examples of meaningful and feasible mitigation measures that would reduce GHG emissions while saving residents or

commercial business owners money over time for a double benefit. Yet instead of the EIR providing such clear, understandable measures that would be required of new development, the EIR instead simply provides a list of non-mandatory, often nebulous actions without any assured outcome. This flaw needs to be corrected in the final EIR. O3-30 cont.

ADDITIONAL EIR FLAWS IN NEED OF CORRECTION

In comments above related to the General Plan Update, our staff points out reasons why weakening the applicability and mitigation value of the Wildlife Handbook has potential to result in major negative impacts for special status species and for the cumulative impacts of development on third priority habitat. OF KEY CONCERN IS THE FAILURE OF THE GENERAL PLAN UPDATE TO CONTINUE TO PROVIDE MITIGATION FOR THE CUMULATIVE IMPACTS OF DEVELOPMENT FOR SPECIAL STATUS AND OTHER WILDLIFE SPECIES WITHIN TUOLUMNE COUNTY. THIS IS A MAJOR WEAKENING OF MITIGATION FROM THE EXISTING GENERAL PLAN.

However, there are also the associated defects in the General Plan Update and the analysis of the General Plan Update by the EIR when it comes to analyzing important protective measures associated with wildlife movement corridors along streams, protection of riparian habitat, and benefits for aquatic species. The EIR fails to acknowledge that despite directives for new development to comply with state and federal wildlife policies, the weakening of County mitigation requirements that would result from the Wildlife Handbook only being an interim, voluntary mitigation option – without having any directive for other mitigation strategies needing to be the equivalent of what is prescribed in the Handbook – now results in a lack of any assurance that open space set-backs along streams (and especially along intermittent streams) will actually be required as mitigation to protect wildlife movement and riparian habitat. The EIR fails to assure that deer concentration areas or deer migration routes or other important wildlife areas will be identified and adequately protected when new development comes forward for approval. O3-31

The EIR in **Section 3.4, Biological Resources, Exhibit 3.4-3** limits the USFWS's list of critical habitat for special status species to only alpine habitat areas and a slice of area in the western portion of Tuolumne County. The EIR fails to include mapped critical habitat for the vast majority of special status species in the County. This is especially unacceptable because Tuolumne County previously developed the full list of special status species and their known habitat within the County and had it (has it) during the process of revising the Wildlife Handbook before the building industry convinced County Supervisors to openly reject the Handbook. The EIR should contain the full list of special status species in the County and define areas where their critical habitat is known. O3-32

CSERC also notes that the EIR in Section 3.4.2 claims that analysis of the specific impacts of development projects and their effects on riparian habitats and other sensitive communities is not possible due to the programmatic nature of the General Plan Update. In fact, the Tuolumne County Wildlife Handbook that has been diminished in relevance by the General Plan Update already contains specific mitigation measures for the diverse potential impacts that O3-33

may occur from development. Thus**, the EIR is inaccurate in asserting that it is not possible to analyze impacts of development and have agreed-upon mitigation measures in place to apply.** O3-33 cont.

CONCERNS RELATED TO IMPACTS FOR AGRICULTURAL AND FOREST RESOURCES

EIR Impact 3.2-1, page 3.2-14: "The General Plan Update will re-designate 4,509 acres of land designated for Agriculture to residential or commercial uses...the quantity and location of potential High-Value Agricultural Land is unknown, ...[therefore] the extent of potential conversion cannot be determined at this time; however, the loss of High-Value Agricultural Land would be **significant**." This impact, even after the proposed Mitigation Measure on pg. 3.2-16, is determined to be **significant and unavoidable**.

While our Center agrees that the impacts from the General Plan on Agricultural Land will be Significant, it is inappropriate not to include any accompanying analysis or information as to where the High-Value Agricultural Land occurs in the county. In addition, the proposed mitigation measure (**Implementation Program 8.A.x**) helps prevent some conversion on High-Value agricultural land, but does not replace or compensate for the land that is being converted.

According to CEQA Guidelines, the lead agency must perform a thorough evaluation of the impact and its severity before and after mitigation, and propose *all* feasible mitigation to "substantially lessen the significant environmental effect" CEQA Guidelines §§ 15091(a)(1), 15126.2(b). The mitigation measure does not lessen the environmental effect, and the impact is far from unavoidable - the county could choose not to support unnecessary land use conversion on these High-Value Lands. O3-34

The impact analysis also discusses the General Plan's policies to reduce conversion of Agricultural Land and limit the expansion of public services (pg. 3.2-15). However, as stated in our General Plan critique above in these comments, the actual policies in question are either weak and nebulous, or the policies and implementation programs give the County the option to allow development in agricultural areas based on unmeasurable judgments such as "community need," which is completely subjective and would allow further conversion of these lands.

Policy 8.A.2 also allows conversion of parcels less than 80 acres in size if located near residential and commercial use lands. Policies like this can allow a domino-like effect of unrestricted expansion of development into agricultural land. Eliminating that policy will reduce the significance of the impact.

Impact 3.2-3, page 3.2-17: This impact states that though direct conflicts with the Williamson Act would not occur, the re-designation of land currently under Williamson Act contracts to non-agricultural uses conflicts with the intent of the Act and causes a **significant impact.** The proposed mitigation measure (**Implementation Program 8.B.x**) requires the

establishment of development standards to provide the county with discretion to deny development that proposes to introduce growth-inducing public services. Yet after that mitigation (which basically proposes a future plan or policy to be developed, and thus is not meaningful mitigation), the impact is still considered significant and unavoidable.

Based on the wording, it appears growth-inducing development will take place at the county's discretion, which is an avoidable impact. O3-34 cont.

*** **As the CEQA Guidelines require, all feasible mitigation should be proposed and adopted. In order to reduce the significant impact, the County should completely disallow growth-inducing public services on agricultural lands. The EIR should provide such clear legal direction.**

FURTHER CONCERNS ABOUT IMPACT JUDGMENTS FOR BIOLOGICAL RESOURCES

EIR Impact 3.4-1, page 3.4-29: The DEIR suggests that the impact to special-status plant and animal species will be **less than significant,** given "compliance with state and federal law, as well as the General Plan Update's policies and implementation programs." No mitigation measures are recommended for this impact.

As noted in previous comments above, the analysis of impacts to special status species is not sufficiently thorough. The EIR does not effectively evaluate how growth under the General Plan would affect Tuolumne County's sensitive habitats or species. Instead, the EIR provides vague statements such as: "Potential direct impacts to special-status species include injury or mortality that may occur during projected development..." pg. 3.4-30. It is unclear what the actual impact to sensitive species will be if the General Plan is accepted.

Furthermore, mitigation measures proposed in an EIR must be fully enforceable through permit conditions, agreements, or other legally binding instruments that will ensure the measures are actually implemented (Public Resources Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2)). **The General Plan's Policies and Implementation Programs cannot be used as mitigation measures unless they are concrete and enforceable**, which many are not (as noted in these comments). As we've stated in our General Plan comments earlier in this comment letter, **Policy 16.B.6** allows property owners to utilize the Tuolumne County Wildlife Handbook "to assist" in designing mitigation. Unlike under the current General Plan, there is no requirement for mitigation of projects to actually be consistent with what is in the Handbook. Vague policies like this cannot be used as mitigation measures, so it is not reasonable to suggest that impacts to special status species will not be significant due to the adoption of said policies. O3-35

Impact 3.4-2, page 3.4-32: The EIR states that loss or degradation of sensitive natural communities such as riparian and oak woodland habitat is **potentially significant**, which is reduced to **less than significant** after the recommended Mitigation Measure 3.4-2. However, the first new Implementation Program listed in Mitigation Measure 3.4-2 suggests mitigations for substantial conversion of oak woodland based on **Implementation Program**

16.B.j – with its new threshold of standards for "substantial conversion." As noted earlier in these comments, **Implementation Program 16.B.j** undermines existing oak woodland habitat protections; It allows for parcels with 90% oak canopy cover to be reduced to 10% with no finding of a significant impact; and it allows county supervisors to use subjective considerations to determine impacts to oaks are "substantial." Such languge not only weakens existing protective oak protection mitigation, but it provides loopholes that could allow county supervisors to ignore oak impacts completely.

Furthermore, there are no proposed Mitigation Measures in the DEIR to specifically ensure that riparian habitats are protected. While the impact analysis acknowledges that "some sensitive [riparian] resources would not be avoided by projected development under the General Plan Update" (pg. 3.4-33), the impact is nevertheless judged to be **less than significant** based on Implementation Programs in the various Community Plans. However, these IPs cannot act as mitigation measures because they are not fully enforceable through permit conditions, agreements, or legally binding instruments (Public Resources Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2)). They include weak language like "**Policy 16.C.6:** Encourage and support voluntary efforts to protect and enhance [various East Sonora creeks]" pg. 3.4-34. The associated Implementation Program 16.C.e calls for limits to the number of road crossings of streams, but there is no concrete language as to how this will be accomplished or to what extent.

O3-35 cont.

EIR Impact 3.4-4, page 3.4-40: The EIR claims that the impact to Animal Movement Corridors will be **less-than-significant** and recommends no mitigation measures. The reasoning behind this finding is that "potential disturbances or loss as a result of projected development under the General Plan Update are expected to be limited and encouraged primarily within the identified communities." As our comments have spelled out previously, there is no mandate in the General Plan Update that new development must occur within defined, identified communities, and in fact the opposite is clearly intended by the General Plan Update. More than 4,000 acres of agricultural land is proposed to be converted to non-agricultural uses, which would substantially restrict wildlife movement across the Open Space areas contained on those agricultural lands.

In addition, the impact analysis is not sufficiently thorough -- it contains no information about where animal movement corridors may be located in the County or which species could be affected. There are merely vague statements such as: "Direct impacts to wildlife include incremental fragmentation of the landscape..." pg. 3.4-40. The EIR concedes that there will be direct and indirect impacts to wildlife corridors, but the EIR suggests that they will not be significant because most development will take place in identified communities. Again, as noted previously, there is no evidence provided that wildlife or wildlife movement will not be significantly affected by development within communities. To suggest otherwise is mere speculation. In fact, corridors through established communities may be especially critical for wildlife, since otherwise wildlife may need to travel large distances to avoid the developed portions of an identified community.

EIR ANALYSIS OF POTENTIAL HAZARDS, HAZARDOUS MATERIALS

O3-36

EIR Impact 3.9-2, page 3.9-24: This impact analysis states that although "projected development under the General Plan Update would introduce residential land uses into areas designated as Moderate or High Wildland Fire Hazard areas," the risk of loss, injury, or death involving wildland fires would be **less than significant**. No mitigation measures are required.

The DEIR claims that compliance with General Plan policies will reduce the potential for fire hazards, thus reducing the impact to less than significant. However, some of these policies are vague and unenforceable, meaning they cannot act as mitigation measures, as we've noted previously. For example, **Policy 17.E.1** calls for "only allowing development in high or very high hazard areas if it can be made safe by planning, construction, or other fire safety measures." Though it sounds beneficial, this policy is not a clear, enforceable directive and as we've noted in our General Plan critique, the County has a track record of approving development in these locations with minimal fire safety precautions.

Implementation Program 17.E.b claims that "new development, including urban or clustered development, is acceptable in moderate, high, and very high fire hazard zones, provided that project design meets California Building and Fire Codes, including Wildland-Urban Interface Building Codes" pg. 3.9-19. Due to the incredible amount of fuel build-up in wildland areas, homes in the WUI often face extreme fire hazards despite meeting building codes. This is clear from homeowners' insurance rates in high fire hazard areas. The impact analysis is inadequate and in error concerning the General Plan Update's intent to judge new development to be acceptable in high fire hazard zones. O3-36 cont.

*** **The EIR should acknowledge that it is feasible and prudent for the County to adjust its policies to strictly forbid new lot subdivisions or the placement of any expansion of new development into areas rated as high or very high fire hazard zones, whether or not Fire Codes can be met. Fire Codes are not intended to be justification for placing residents or businesses at risk in high fire severity locations. Fire Codes are intended to reduce (not eliminate) the degree of fire risk.**

EIR ANALYSIS TIED TO WATER SUPPLY

EIR Impact 3.10-4, page 3.10-26: The EIR claims that the General Plan's impacts on groundwater depletion and recharge will be **less than significant**, based on the fact that TUD's pumping rate will not change and construction of new private wells would be limited. No mitigation measures are proposed for this impact. However, in fact the overwhelming majority of wells actively removing groundwater in Tuolumne County have nothing to do with TUD, but are instead private wells spread across the County. At this time, there is no proposed realistic mitigation measure that can either curtail the use of existing wells. However, the EIR fails to address the potential for new wells to be approved in conjunction with new development proposals, and those wells can have an impact on groundwater depletion and recharge. O3-37

*** **CSERC urges that a new policy be included in the General Plan Update that reduces the risk of major new development being approved based on wells that could then fail during**

future drought period, which also could deplete groundwater supplies for adjacent property owners who rely on groundwater for their residences or businesses.

<u>Wording of the new policy could be</u>: "In order to minimize the risk of drought depletion of groundwater, new development shall not be approved in locations where no public water is available unless well testing shows the tested groundwater supply to be at least double rate of the projected demand of the project." O3-37 cont.

Policy 14.A.5 is positive in that groundwater resources will be managed consistent with the Sustainable Groundwater Management Act. However, the associated **Implementation Program 14.A.h** contains the unenforceable language: "Discourage incompatible development near groundwater recharge stations, such as ponds, basins, and tanks" pg. 3.10-17. The EIR cannot use this Implementation Program as mitigation for issues with groundwater recharge or depletion, because it is not enforceable in any way.

The EIR also does not effectively analyze the cumulative impact of private wells as part of projected development, instead suggesting that they will not be impactful because they are limited and dispersed. There is no evidence provided to justify that assumption and no estimate provided of the number of new wells that could be approved. Accordingly there is no basis to claim the impact from private wells will not be significant as a cumulative impact. O3-38

EIR CONCERNING UTILITIES AND WATER SUPPLY

EIE Impact 3.17-1, page 3.17-15: The EIR claims that, despite the increased demand for water resulting from the projected development in the General Plan Update, impacts related to water supply would be **less than significant.** No mitigation measures are suggested because the General Plan's policies are supposedly sufficient to reduce the impacts.

As stated above, Policies and Implementation Programs cannot function as mitigation measures unless they are fully enforceable. The policies and Implementation Programs in the Water Supply chapter of the General Plan are, in many cases, not clear and enforceable directives. For example, **Policy 14.C.2** reads**:** "Encourage new urban development to locate in areas where public water and sewer services are available or can be developed..." "Encourage" is not a clear directive. Another example is **Policy 14.A.6**, "Encourage water purveyors to provide an adequate water supply to meet long-term needs in a manner that...maintains water resources while protecting the natural environment." It is unclear how this would be implemented or what authority the county has over water purveyors. With weak policies that may or may not reduce the Plan's impact on water supply, and with no thorough analysis of alternative policies or Implementation Programs to reduce water use, the EIR cannot conclude that impacts related to water supply would be less than significant. O3-39

CLOSING SUMMARY

CSERC notes again that the comment letter submitted on CSERC's behalf by Shute, Mihaly &Weinberger is an essential component of our overall comments. We also embrace and O3-40

reference the comments submitted by retired senior planner Robin Wood, who submitted specific comments on this General Plan Update based on her expertise and years of involvement with County planning policies and ordinances. Our Center supports the points she raises and shares her recommendations for changes to correct the deficiencies noted in her comments.

In particular, we note support for her comments related to the value of the Wildlife Handbook in the existing current General Plan that provides mitigation for cumulatively significant impacts to biological resources, with there being no commensurate replacement being proposed for those cumulatively significant impacts to biological resources In the General Plan Update. We support her point concerning the conflict with exempting oak woodland mitigation in identified communities, since special status species may exist in those locations and need appropriate mitigation. We share her concern (spelled out in detail) related to the need for protection of intermittent streams. We also reinforce the concerns/comments she shares about Williamson Act effects and the failure of the General Plan Update to comply with the intent of the Act.

Our Center's staff has gone to great lengths to not only participate in the years of General Plan Update meetings and discussions, but to painstakingly review all the planning documents and to then carefully consider comments in response to the various iterations of the General Plan Update and associated EIRs. O3-40 cont.

Due to our limited staff capacity and the high level of other critical work that also requires meeting deadlines and time frames, CSERC formally requested that the County provide the interested public with an additional 14 days for input so that our staff and others could provide the highest value input in this planning process. That request was denied due to County supervisors desiring to have Plan consultants complete a response to comments as rapidly as possible so that the current Board members can vote on this proposed General Plan Update prior the end of the year – when potentially two members of the Board could be replaced, depending on the outcome in next month's election.

Accordingly, due to the strict adherence to the 45-day comment period deadline, CSERC is not able to provide a recommended, modified General Plan Update that would sufficiently improve weak policies and implementation programs, correct glaring defects, and ensure better compliance with state regulatory requirements. We submit these comments on behalf of our entire CSERC staff – including a biologist, aquatic biologist, a botanist, and those who have engaged in county planning for many years.

John Buckley

CSERC Executive Director

Letter 03	Central Sierra Environmental Resource Center John Buckley, Executive Director October 10, 2018

O3-1 The commenter states that the General Plan Update and the RDEIR are based on "a completely unrealistic growth projection that is wildly inflated so as to justify pro-development policies and implementation programs and to justify a significant amount of agricultural land being converted to residential use." To maintain consistency with the Regional Blueprint planning process, the General Plan Update is based on growth projections published by TCTC. TCTC adopted a population projection of about 0.6 percent per year, based on California Department of Finance forecasts, U.S. Census Bureau population

projections, and past TCTC-adopted population projections. Relying on this growth projection, the General Plan Update and the RDEIR assume much higher annual growth than has occurred in the past 20 years. Because the RDEIR assumes *more* growth than is likely to occur, the impact analyses are conservative. Refer to Section 2.4.2 in the RDEIR for further explanation of the growth projections. (RDEIR, p. 2-5 - 2-8) Therefore, many of the potential impacts from implementation of the General Plan Update may be overstated.

Contrary to the assertions in the comment, these growth projections were not used to "justify pro-development policies." Rather, as explained in the RDEIR, they were used to maintain consistency with TCTC's Regional Blueprint planning process. See Master Response 2 for a more detailed explanation of the population projections used in the RDEIR.

The commenter discusses the policies contained in the General Plan Update, but mischaracterizes the vision statements in the General Plan Update. The General Plan Update has three overarching vision statements:

- OAV1. Promote development in Tuolumne County that reflects the values and vision of the community and implements the latest legal, statutory, scientific, and technical changes and advances.
- OAV2. Achieve, enable and preserve maximum flexibility within the constraints of state and federal law and an ever-evolving legal, cultural and environmental landscape.
- OAV3. Recognize that the County has a unique role to collaborate with special districts/stakeholders within the County to promote the delivery of efficient and cost effective public services.

For a complete list of objectives, see General Plan Intro-7. Refer to RDEIR Chapters 1 and 2 and General Plan Update, Introduction for more information regarding the goals and objectives of the General Plan Update.

The remainder of this comment is generally introductory and/or does not raise environmental issues, and therefore does not require further response. (See CEQA Guidelines, section 15088.)

O3-2 See Master Response 2 regarding the population projection assumptions for the General Plan Update. The comment raises issues related to the General Plan Update text and does not raise issues with the adequacy of the RDEIR. The requested changes will be addressed in the staff report to the Planning Commission and Board of Supervisors.

O3-3 Encouraging all types of housing, as stated in the goals, policies, and implementation programs referenced in this comment is consistent with direction from the Board of Supervisors and the objectives of the General Plan Update.

County planning staff routinely provides information about the development potential of property to the public. Commercial development on property designated as Special Commercial requires the approval of a Site Development Permit or Site Review Permit and is therefore not a principally permitted use. Additional review, including that of "unique development standards" is completed by the Community Resources Agency and is subject to the approval of a discretionary entitlement.

Comments regarding the Housing Element will be directed to the Housing Policy Committee for consideration during the update of the Housing Element, which is required to be completed and certified by the California Department of Housing and Community Development in 2019.

The comment raises issues related to the General Plan Update text and does not raise issues with the adequacy of the RDEIR. The requested changes will be addressed in the staff report to the Planning Commission and Board of Supervisors.

O3-4 If, in response to the incentives provided in Policy 2.C.3, changes are made to a project that has already been approved pursuant to CEQA, Public Resources Code section 21166 and CEQA Guidelines section 15162 would apply. Those sections provide that subsequent or supplemental review will be required where there are:

(a) Substantial changes in the project which will require major revisions of the EIR or negative declaration;

(b) Substantial changes with respect to the circumstances under which the project is being undertaken which will require major revisions in the EIR or negative declaration; or

(c) New information of substantial importance, which was not known and could not have been known at the time the EIR was certified as complete or the negative declaration was adopted, becomes available shows:

The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

Significant effects previously examined will be substantially more severe than shown in the EIR;

Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

General Plan Policy 2.C.3 does not (and cannot) alter the requirements under CEQA, and if sections 15162 and 21166 are triggered, additional CEQA review will be required.

O3-5 Impacts from the deviation of any County development standard would be reviewed and evaluated during the discretionary entitlement process. Such a project would be subject to analysis under CEQA, and impacts would be required to be addressed. Flexibility and deviations are evaluated on a case by case basis to ensure that any approvals of modified development standards are appropriate and completed in a transparent review process. The requested changes will be addressed in the staff report to the Planning Commission and Board of Supervisors.

O3-6 The comment raises issues related to the General Plan Update text and does not raise issues with the adequacy of the RDEIR. The language in the goals, policies, and implementation programs referenced in this comment is consistent with direction from the Board of Supervisors and the objectives of the General Plan Update. The potential impacts from the General Plan Update are evaluated in the RDEIR.

Policy 3.A.4 is not missing; it was used as a placeholder assignment to assist in the editing and formatting of the document. There is no Policy 3.A.4 and therefore no language is proposed along with it.

In certain instances, industrial development may be sited away from residential development, where public services are located, to prevent incompatible land uses from being near each other. This policy allows decision makers to balance the needs of compatible land uses with industrial development, which may lead to locating the industrial development outside of areas served by public water. Therefore, the consideration of a private water system is appropriate.

The requested changes will be addressed in the staff report to the Planning Commission and Board of Supervisors.

O3-7 The comment raises issues related to the General Plan Update text and does not raise issues with the adequacy of the RDEIR. The language in the goals, policies, and implementation programs referenced in this comment is consistent with direction from the Board of Supervisors and the objectives of the General Plan Update. The potential impacts from the General Plan Update are evaluated in the RDEIR.

A variety of factors must be considered when maintaining a transportation system at an adopted level of service. Lack of funding and emergency projects are two examples of factors that may inhibit a local agency from maintaining the entire transportation system at adopted levels of service. Safety concerns and provision and consideration of alternative modes may also warrant an exception to the LOS policies, as would the other factors set forth in Implementation Program 4.A.b. The proposed language in Policy 4.A.6 accurately reflects the County's ability to manage the transportation system.

Comments on Implementation Program 4.A.d.1 will be considered during the update of the County's zoning code, where specific development requirements such as the standard proposed by the commenter, are located.

Allowing flexibility in the requirement to provide pedestrian and bicycle facilities gives decision makers the ability to prioritize the needs of a project versus the constraints of a project. Depending on the project location or anticipated customer base, bicycle and/or pedestrian facilities may not be appropriate. The language in Goal 4B and the supporting policies and implementation programs provides latitude to require the facilities when appropriate for the project.

There are other factors to consider and analyze, beyond public utilities, when evaluating the potential for a property to be rezoned to support the Sierra Railroad. A proposed zone change must meet specific findings, including compliance with Tuolumne County Ordinance Code, prior to approval by the Board of Supervisors. Specifying that public water and sewer must be available limits the review of a zone change application. In addition, see response to comment O3-6 regarding the siting of industrial development. The requested changes will be addressed in the staff report to the Planning Commission and Board of Supervisors.

O3-8 The comment raises issues related to the General Plan Update text and does not raise issues with the adequacy of the RDEIR. The language in the goals, policies, and implementation programs referenced in this comment is consistent with direction from the Board of Supervisors and the objectives of the General Plan Update.

Implementation Program 7.A.d encourages the clustering of density on a project site away from the timberland boundaries and does not encourage the development of high-density development.

Policy 7.A.e summarizes the Tuolumne County's right to farm ordinance which directs the County to continue to manage and allow the harvesting of timber resources. Exposure to pesticides and herbicides are managed through timber harvesting regulations and are outside the scope of this General Plan Update.

Reclamation plans and their content are governed by the Surface Mining and Reclamation Act. Surface mining is further regulated by Tuolumne County Ordinance Code Chapter 8.20.

The requested changes will be addressed in the staff report to the Planning Commission and Board of Supervisors.

03-9 The language in the goals, policies, and implementation programs referenced in this comment is consistent with direction from the Board of Supervisors and the objectives of the General Plan Update. The County does not want to place unreasonable restrictions on low-value farmland. The potential impacts from the General Plan Update are evaluated in the RDEIR.

Policy 8.A.2 is included in the General Plan Update as the Board of Supervisors does not want to place unreasonable agricultural preservation restrictions on marginal agricultural land. Utilizing the Agricultural Rating Matrix as a guide to determine the value of agricultural land assists the County in only allowing conversions when a property isn't considered high value. The conversion of "medium or low value" agricultural lands would not prevent the property from having important vales as Open Space or wildlife habitat or for scenic values or for wildlife corridor movement". These topics would be evaluated on a case-by-case basis during the CEQA process for a proposed project.

The deletion of Policy 8.A.2 is not feasible as the policy is important to promote the objectives of the General Plan Update which allow land owners maximum flexibility to determine the future of their property within State and Federal laws. Similarly, Policy 8.A.3 and Implementation Programs 8.A.b, 8.A.c, and 8.B.a provide a methodology for the appropriate re-designation of agricultural lands or relocation of the boundaries of an Identified Community after review and approval by the Board of Supervisors.

It is important to acknowledge that just because a parcel is designated as "Agricultural" in the land use diagram does not mean that there are actual agriculture uses occurring on the property, or that the property owner will invest in the potential for agriculture to occur on the property in the future. It is only a designation and may not reflect the actual land use on the property. Allowing flexibility to change the designation of agricultural to another land use designation, in circumstances when certain conditions are met is appropriate. This General Plan Update provides a framework for the analysis, should it ever occur in the future. The General Plan Update also provides guidance to decision makers on what types of "agricultural land" could be "converted" and under what circumstances the conversion could occur. The commenter's recommendation to protect agricultural lands through voluntary programs and planning mandates does not consider the quality of the agricultural land and therefore is overly broad and does not relate to the threshold of significance, which focuses on High-Value Agricultural Land.

The commenter is correct that the General Plan Update does not mandate non-conversion of High-Value Agricultural Land. Such a mandate would be inconsistent with project objectives including promoting development that reflects the values and vision of the community and achieving, enabling, and preserving maximum flexibility within the constraints of state and federal law. However, the RDEIR includes Mitigation Measure 3.2-1, which requires 1:1 compensation for conversion of High-Value Agricultural Land. The RDEIR (p. 3-2-16) concludes that the impact related to conversion of High-Value Farmland is significant and unavoidable.

Agritourism operations have been expressly desired by the agricultural community and the proposed policy and ordinance code changes have been reviewed through numerous committees, including the Agricultural Advisory Committee. The RDEIR analyzes impacts with the proposed expanded agritourism changes both in the General Plan Update and Title 17 of the Tuolumne County Ordinance Code. The potential impacts from the General Plan Update are evaluated in the RDEIR.

While the General Plan Update broadly supports the expansion of agritourism activities, the proposed changes in the Tuolumne County Ordinance Code specifies the requirements and performance standards that must be met for the commercial activity. Further, the RDEIR incorporates data from an agritourism economic study that frames the extent of reasonably foreseeable agritourism both in terms of size and type over the future planning horizon. Overall, the goals, policies, and implementation programs in the Agriculture Element are intended to support agriculture by expanding the ability for agriculture operators to sustain their livelihood through supplemental income from agritourism operations.

Implementation Program 8.C.e is retained in the General Plan Update as a means to provide temporary housing for farm labor, which is required to be operated in accordance with the Tuolumne County Ordinance Code. If farm labor housing resulted in a substandard housing situation, a complaint can be made to the Code Compliance Division for review and correction if necessary.

Also, please see Master Response 3 regarding agricultural policies.

O3-10 See Master Response 6 and response to comment O5-20 regarding fire safety and the concept of prohibiting development in high wildfire risk areas. The comment raises issues related to the General Plan Update text and does not raise issues with the adequacy of the RDEIR. The requested changes will be addressed in the staff report to the Planning Commission and Board of Supervisors.

O3-11 The comment raises issues related to the General Plan Update text, not with the adequacy of the RDEIR. The language in the goals, policies, and implementation programs referenced in this comment is consistent with direction from the Board of Supervisors and the objectives of the General Plan Update. For this reason, many of the proposed edits are not appropriate.

For example, the suggestion on how to modify Implementation Program 14.C.f would result in the prohibition the development on certain parcels. Rather than a blanket prohibition on development, this implementation program aims to proactively develop criteria so that, when faced with a property in an area identified with the constraints listed in Implementation Program 14.C.f, there are tools to appropriately mitigate and reduce impacts. The County is proposing to create a menu of solutions for property owners to use when a property has a challenge, such as high ground water or other hazards. The commenter's proposed revisions to Policy 14.D.1, however, would improve the clarity. This change will be made in the General Plan Update and is reflected in Section 2 of this document. There are no corresponding changes to the text of the RDEIR because this policy is not specifically cited therein.

All of the requested changes will be addressed in the staff report to the Planning Commission and Board of Supervisors.

O3-12 The comment raises issues related to the General Plan Update text and does not raise issues with the adequacy of the RDEIR. The comments regarding the wording in the Air Quality Element do not provide any further clarification than what is proposed. The General Plan Update language reflects the specific legal thresholds that must be met to require studies which, in turn, reflects the requirement that there must be a nexus between an impact and a mitigation measure. The General Plan Update language adequately provides direction to

decision makers regarding air quality in the County. Further, specific action items are not required to be in a general plan, as the mandate of a general plan is to provide guidance for a lead agency over a specified planning horizon. The requested changes will be addressed in the staff report to the Planning Commission and Board of Supervisors.

03-13 The comment raises issues related to the General Plan Update text and does not raise issues with the adequacy of the RDEIR. The goals, policies, and implementation programs in the General Plan Update will be used by staff when considering a project. Language such as "support" and "encourage" provides direction to County staff on how to ensure recommendations and/or projects can align with the General Plan Update. Also see response to comment I1-9 related to the assumption of enforcement and implementation of regulations and policies. The requested changes will be addressed in the staff report to the Planning Commission and Board of Supervisors.

03-14 The comment raises issues related to the General Plan Update text and does not raise issues with the adequacy of the RDEIR. See Master Response 4 for oak woodland discussion. As discussed in Implementation Program 16.B.k, the 1987 Wildlife Handbook may not meet all of the current regulations enacted because it was adopted over 30 years ago. The General Plan Update, therefore, recognizes that additional measures may be needed if a project is going to reduce impacts to a less-than-significant level. This is why the 1987 Wildlife Handbook is not being proposed to be the only document used for the evaluation of impacts to wildlife. Implementation Program 16.B.l is proposed to encourage development within identified communities rather than perpetuating growth in rural areas, and will only be considered on a case by case basis. Overall, implementation programs are prioritized by the Board of Supervisors in their annual work plan, established in conjunction with Department Heads.

03-15 See Master Response 5 and response to comment O3-14 regarding the 1987 Wildlife Handbook. Also see Master Response 4 and responses to comments O2-3 and O3-35 regarding "no net loss" policy. The commenter's suggested mitigation that would rely on the outdated 1987 Wildlife Handbook (see Master Response 5) would be less protective than the policies, implementation measures, and mitigation measures described in the RDEIR. No changes to the General Plan or the RDEIR are necessary.

03-16 The comment raises issues related to the General Plan Update text and does not raise issues with the adequacy of the RDEIR. See Master Response 6 regarding fire safety. The language in the goals, policies, and implementation programs referenced in this comment is consistent with direction from the Board of Supervisors and the objectives of the General Plan Update. A change to Implementation Program 17.F.e is proposed to reflect the requirement that the Multi-Jurisdictional Hazard Mitigation Plan be updated on a regular basis. The requested changes will be addressed in the staff report to the Planning Commission and Board of Supervisors.

03-17 Goal 18.A and the following policies and programs discuss the completion of a Climate Action Plan (CAP) and its possible contents. Given that the CAP project has not begun, specifying how it will address greenhouse gases is premature. Implementation Program 18.A.d specifies that the CAP will be adopted prior to 2020. Comments stating that there is no language to any "actual required implementation of GHG reduction requirements in the County" is incorrect, based on Implementation Program 18.A.d. Furthermore, the RDEIR identifies additional specific GHG reduction measures in Mitigation Measure 3.8-1 to further reduce GHG-related impacts. See also responses to comments O3-18, O3-19, O3-30, and O5-17.

03-18 The comment criticizes the General Plan Update as being "pro-development rather than mandating changes to existing and future infrastructure to help reduce GHG emissions." As a general matter, the County recognizes its obligation to provide for housing and other development for future generations of Californians; nevertheless, the County also recognizes it must do so while reducing its overall per-capita carbon footprint.

Regarding new GHG legislation, as the state continues to make progress towards long-term GHG reductions goals established by Executive Order B-55-18 to reach carbon neutrality by 2045, the state will continue to pass into law and implement legislation, such as SB 100, that will help achieve the state's long-term GHG reduction goal and will reduce emissions in Tuolumne County. The RDEIR has only included legislation in place at the time of publication of the RDEIR. As legislation related to statewide GHG reductions continue to be passed, such as Executive Order B-55-18 and SB 100, this will help the County achieve its goals of reducing GHG emissions and contributing to the effort to achieving the state's long-term GHG reduction targets. Regarding SB 100 specifically, the update to the California Renewables Portfolio Standard Program will affect electricity utilities which service Tuolumne County by requiring 52 percent of retail sales of electricity to be sourced from renewable sources by 2027; 60 percent by 2030; and 100 percent by 2045. Additionally, proposed Policy 18.A.1 of the General Plan Update requires that the County prepare and adopt a CAP that establishes a GHG reduction target consistent with the SB 32 goal to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030. At the time of CAP development all relevant legislation and climate change related state policy will be considered and incorporated into the CAP's overall GHG reductions targets. No revision to the RDEIR is necessary.

03-19 Proposed Policy 18.A.1 of the General Plan Update requires that the County prepare and adopt a CAP that establishes a GHG reduction target consistent with the SB 32 goal to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030. Proposed Implementation Program 18.A.d of the General Plan Update requires that the County adopt and begin implementing the CAP prior to 2020. The County's CAP would include relevant policies and would be targeted to reduce countywide emissions to 40 percent below 1990 by 2030 levels consistent with the SB 32 goals to reduce statewide GHG. Because the CAP will require GHG emissions to be reduced from each emission sector to help reach the statewide targets, appropriate measures will be put in place to ensure emissions are reduced from new development. Proposed Implementation Program 18.A.a under Policy 18.A.1 includes a series of example measures specific to building energy efficiency and renewable energy in new development that could be included in CAP that would help achieve GHG emissions reductions from the building sector, consistent with statewide GHG reduction targets.

The General Plan Update also includes policies specific to energy efficiency and the use of renewable energy in new and existing development. Specifically, proposed Policy 18.A.5 and 18.A.6 and their associated implementation programs provide a series of strategies to promote energy efficiency and renewable energy in the building sector. Alongside implementation of the measures included in the required CAP, proposed Policy 18.A.5 and 18.A.6 would also help to further reduce energy use in the building sector associated with both new and existing development and may be updated to serve as mandatory requirements as part of the CAP development and implementation process. Additionally, the Natural Resources chapter of the General Plan Update includes a series of policies which serve to preserve natural lands and trees which result in continued carbon sequestration. Proposed Goal 16A in the General Plan Update states that the County should balance property rights with the conservation of the environment and rural character of the County. This goal is implemented through a series of conservation-oriented policies. Specifically, proposed Policy 16.A.6 and its associated implementation programs are included in the General Plan Update to help protect clusters of native trees and vegetation such as Heritage Trees, stands of oak woodlands, or clusters of native shrubs within new development resulting in continued carbon sequestration from natural lands. No revisions to the RDEIR are necessary.

03-20 The commenter states that "it is essential that the County put language in the General Plan Update requiring that the CAP be fully implemented by a specific time period." Policy 18.A.1 provides that the County will: "Prepare a Climate Action Plan (CAP), or similar GHG emission reduction plan…" (General Plan Update, p. 18-2) Implementation Program 18.A.d provides

that the County will "[a]dopt and begin implementing the CAP prior to 2020" (General Plan Update, p. 18-3) The RDEIR text referenced by the commenter comes from the executive summary and the summary of Impact 3.8-1 (Generation of GHG Emissions, either Directly or Indirectly) in Section 3.8, "Global Climate Change." The full impact discussion under Impact 3.8-1 provides more clarity. The conclusion of this impact discussion is provided below:

> Implementation of the General Plan Update and associated policies may result in some GHG reductions, although it is unknown whether these policies would achieve reductions consistent with statewide targets. Policy 18.A.1 of the General Plan Update requires the preparation of a CAP, or similar GHG reduction plan. As specified in the Policy 18.A.1, the CAP would include a set of measures, which when fully implemented, would ensure that Countywide emissions would be reduced consistent with the SB 32 goals to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030. If achieved, this would demonstrate efforts towards achieving the statewide reduction target for 2050. However, as of writing this document, a CAP or similar GHG reduction plan has not been adopted by the County and cannot therefore be relied upon to attain the 2040 GHG targets. Projected development under the General Plan Update would result in a substantial increase in GHG emissions. This impact would be **significant**. (RDEIR, p. 3.8-27)

As indicated in this discussion, the reason the impact is significant is because the CAP has not yet been adopted. Once adopted, full implementation of the CAP can be assumed.

O3-21 See responses to comments O3-18, O3-19, O3-30, and O5-17. Response to comment O3-18 specifically responds to issues related to SB 100. Implementation Program 18.A.d specifies that the CAP will be adopted prior to 2020, which is more aggressive than the 2-year implementation requirement recommended by the commenter. The additional measures identified by the commenter are generally already included under Implementation Program 18.A.a (just not stated as specifically as the commenter recommends). For example, the implementation program already includes a measure to "incentivize energy efficiency improvements in existing buildings" and to "expand current renewable energy and green energy incentives and update local ordinances." In addition, Mitigation Measure 3.8-1 adds measures to the implementation program including installation of renewable energy systems at municipal facilities including solar photovoltaic systems on municipal roofs and solar water heating. It should also be noted that the 2019 California Building Code requires onsite renewable energy for new single-family residential structures. It should also be noted that the County cannot mandate retrofit of existing structures. No further response is required.

O3-22 CEQA Guidelines section 15088.5, subdivision (f)(1), provides that "[w]hen an EIR is substantially revised and the entire document is recirculated, the lead agency may require reviewers to submit new comments and, in such cases, need not respond to those comments received during the earlier circulation period…"

As explained in the RDEIR, the document is a complete recirculation of the previous Draft EIR. Therefore, the RDEIR instructed commenters to consider the draft anew (RDEIR, p. 1-7). In addition, the RDEIR instructed that "[a]lthough comments received during the earlier circulation period are part of the administrative record, CEQA does not require a written response to those comments in the Final EIR. New comments must be submitted for the revised EIR" (RDEIR, p. I-9).

As requested by the commenter, all previous comments received by the County in response to the previous Draft EIR are part of the administrative record.

O3-23 Buildout of all vacant parcels in the County is unlikely, based on a variety of population projections completed by entities such as the California Department of Finance and the US

Census Bureau. See Master Response 2 regarding population projections and the modeling completed to facilitate a population projection for this General Plan Update. See also response to comment O5-3, which explains that CEQA does not require an analysis of the full buildout of the General Plan Update land use designations.

O3-24 Please refer to response to comment O5-7, which provides a detailed discussion of the RDEIR's alternatives analysis. As indicated in response to comment O5-7, revisions to the General Plan policies were made since the release of the original Draft EIR, which provided increased protection of natural resources, including oak woodlands. The parkland provision standard was also revised to provide a more reasonable standard in the context of a sierra foothills county, especially a county, such as Tuolumne, with so much access to federal and state public open space. Because CEQA's purpose for alternatives is to avoid or substantially reduce significant impacts associated with the project, the RDEIR does not identify alternatives to further reduce these less-than-significant impacts (although the Modified Public Services Alternative would result in a further reduction of impacts to biological resources). The RDEIR does, however, identify alternatives to address significant impacts of the project related to natural and cultural resources, including impacts to High-Value Farmland, Williamson Act property, and historic structures.

O3-25 CEQA requires an EIR to "describe a range of reasonable alternatives to the project… which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects." (Guidelines, §§ 15126.6, subd. (a), 15002, subd. (a)(3)) The Guidelines provide that an alternatives discussion shall focus on alternatives that that are capable of avoiding or substantially lessening any significant effects on the project. (CEQA Guidelines section 15126.6, subd. (b))

The RDEIR identifies significant and unavoidable impacts with implementation of the proposed Project to agricultural resources, cultural resources, global climate change, noise, and transportation and circulation. The original Draft EIR considered three alternatives. In response to comments that expressed concerns about the range of alternatives, the RDEIR includes discussion of three additional alternatives. The additional alternatives analyzed in the RDEIR are Alternative 4: Historic Structure Preservation, Alternative 5: Williamson Act Property Preservation, and Alternative 6: Modified Public Services. (RDEIR, p. 6-5)

Each alternative was designed specifically to avoid or substantially lessen significant effects of the project, as instructed by CEQA and the CEQA Guidelines. Alternative 4 would include policies prohibiting demolition or substantial alteration of significant historic structures, and is designed to substantially reduce significant impacts associated with historic resources. Alternative 5 would not re-designate the 134 acres of land designated agricultural that are currently under Williamson Act contracts to residential use, and would substantially reduce significant impacts associated with consistency with the Williamson Act. (RDEIR, p. 6-5, 6-20 through 6-23) The commenter expresses concern that these alternatives are not "meaningful," but they are the type of alternatives that CEQA requires.

The commenter also states that Alternative 6, the Modified Public Services Alternative, would only "make one change on a single issue," but that is not accurate. Alternative 6 would reduce the potential for new development outside identified communities, and would reduce impacts to visual resources, agricultural resources, biological resources, archaeological resources, greenhouse gas emissions, hazards, public services, and transportation and circulation (RDEIR, p. 6-23 through 6-28). The RDEIR identifies Alternative 6 as the environmentally superior alternative (RDEIR, p. 6-28 through 6-29).

The commenter also states that the RDEIR does not provide any meaningful alternative that would prioritize protection of natural resources, agricultural lands, open space, and rural

character in Tuolumne County. Alternatives 5 and 6 would both reduce impacts to agricultural resources and would limit development outside of identified communities.

The range of alternatives identified and analyzed in the RDEIR complies with the requirements of CEQA.

The County has carefully reviewed the comments submitted by Shute, Mihaly & Weinberger, and responses to those comments are provided below. (See responses to comments 05-1 through 05-24.) Specifically, response to comment 05-7 addresses the Shute, Mihaly & Weinberger comment related to a "Conservation Alternative."

03-26 In the evaluation of potential impacts, the RDEIR first considers the extent to which existing laws and regulations---mandates--may reduce the potential for environmental effects. The suite of applicable policies and implementation programs that may further reduce a potential impact are then applied. Although some of the policies included in the General Plan Update would not directly reduce effects on resources, they are considered because they are part of the body of programs that inform the actions of the County. Therefore, policies and implementation programs that are less prescriptive or allow flexibility in implementation are also considered within the context of the applicable regulations and other policies and programs. This is used to determine impact significance. Where additional effects are anticipated, the RDEIR recommends mitigation.

With respect to the specific policy and implementation programs (referenced incorrectly in the comment as "mitigation requirements"), where exceptions or deviations could be allowed by the Board of Supervisors, these policies and implementation are not instrumental to the analysis in the RDEIR. Policy 2.C.d is not included in the RDEIR analysis or used to reach significance determinations. Implementation Program 4.A.b is not relied upon in the analysis of potential impacts in Section 3.16, "Transportation and Circulation," and mitigation is recommended for Impact 3.16-1 (Impacts to Roadway Segment Operations).

There is not an Implementation Program 3.8.6. Implementation Program 3.B.b would "[e]ncourage new industrial development to locate in areas which have the capability of being served by a public water system, or a private system when it can be reasonably demonstrated that the development will not cause an adverse public health problem by maintain zoning code standards for the provision of public water for industrial zoning districts and requiring review by the Environmental Health Division when exceptions are requested." If industrial developments are allowed on a private well system under Implementation Program 3.B.b, there would be no change to the impact evaluation in Section.3.17, "Utilities and Service Systems." As stated in the RDEIR (page 3.17-16), "…it is projected that the General Plan Update would accommodate 196,000 square feet of industrial uses in the County by the year 2040. Depending on location, new connections would receive water from Tuolumne Utilities District (TUD), GCSD, the Lake Don Pedro CSD, other water providers, or private groundwater wells." The analysis does not assume that industrial development would only occur in areas that could be served by public water. Rather, the analysis is based on the proposed land use diagram; as well as Policy 3.E.3 and Implementation Programs 3.B.b, 3.E.c, and 3.E.d, which allow industrial development served by private wells where proper approvals are obtained.

Decisionmakers are afforded discretion to approve projects as they find appropriate; this does not mean it should be assumed that specific General Plan Update policies would be excepted.

03-27 The summary of SB 1334 on page 3.4-20 of the RDEIR was intended to provide a brief overview of the regulation, and was not intended to provide a thorough description. Mitigation Measure 3.4-2, which reduces impacts to oak woodlands, specifically states that planting may not account for more than 50 percent of the required mitigation and must

occur on lands that are subject to conservation easements, zoned open space, or similarly restricted from development (RDEIR, p. 3.4-36).

Implementation Programs 16.B.j and 16.B.i were developed to enhance the protections afforded to oak woodland by creating an alternative to the 1987 Wildlife Handbook that requires site-specific analysis and mitigation commensurate with the anticipated impact. Implementation Program 16.B.i requires development that is subject to a discretionary entitlement from the County and environmental review under CEQA to evaluate potential impacts to oak woodlands as provided in Implementation Program 16.B.j, or as otherwise required by State or Federal law, and mitigate significant impacts. Thresholds of significance for the conversion of oak woodlands under CEQA would be established under Implementation Program 16.B.j, which provides recommended standard guidelines for determining whether a project may result in a significant impact to oak woodlands. Following these guidelines, tree removal on parcels with less than 10 percent native oak canopy cover is not considered a significant conversion or loss of oak woodland. The comment provides no evidence to suggest this threshold would result in significant loss of oak woodland. Where parcels support more than 10 percent native oak canopy cover, a significant impact to oak woodland would occur if either tree removal reduces the total oak canopy cover onsite to below 10 percent **or** more than 10 percent of the oak canopy on the parcel is lost and the conversion is determined to be substantial. In determining what is substantial, some of the factors the County may consider include:

- total acres and amount of woodland stand removed or disturbed, and amount retained on site;
- pattern of development or habitat loss onsite (e.g., clustered vs. dispersed);
- existing habitat functions and quality (e.g., intact/high-quality, moderately degraded, or severely degraded);
- stand age- or size-class structure;
- rarity;
- landscape position in relation to larger wildlife corridors, stream systems, or other important natural features;
- loss of valley oak (*Quercus lobata)* woodland, which is a sensitive habitat;
- proximity to other oak woodland patches and connectivity to large blocks of intact habitat; and
- contribution to a cumulative loss, degradation, or fragmentation of oak woodland across the County.

As such, the County could determine that the loss of oak woodland is substantial and a significant impact could occur for any project that would remove more than 10 percent of the canopy. This determination would be based on factors that are understood to contribute to habitat value, including total acreage, habitat functions and quality, position in relation to wildlife corridors and habitat connectivity, and contribution to cumulative loss. This implementation program provides the County with the flexibility to determine the quality of the existing habitat on a project-by-project basis considering the existing conditions on the site.

The comment ignores the RDEIR's conclusion that implementation of the proposed policies and implementation programs would result in a potentially significant impact: "Without

measures or guidelines identified to adequately mitigate a potentially substantial loss, degradation, or fragmentation of oak woodland, this impact is considered potentially significant (RDEIR, p. 3.4-36). To mitigate the impact, the RDEIR identifies three additional implementation programs. These are not mentioned by the commenter.

As explained in response to comment O2-3, the RDEIR analyzes the impacts of the proposed General Plan Update. The analysis in Chapter 3, "Environmental Impact Analysis," of the RDEIR is not intended to provide a comparison of the proposed General Plan Update against the 1996 General Plan. Further, while some of the language proposed in the General Plan Update is general in nature, this language is not relied upon to substantiate impact conclusions. For example, the implementation program cited in the comment (16.B.o) is not mentioned in the impact analysis in Section 3.4, "Biological Resources."

Please also see Master Response 4 regarding oak woodlands policy.

O3-28 The analysis of potential impacts to special-status plant and animal species acknowledges that the General Plan Update encourages development within the identified communities but does not prohibit development outside of these areas. This is a document-wide methodology explained on page 3-2 of Chapter 3, "Environmental Impact Analysis." Moreover, the text excerpted from page 3.4-30 of the analysis acknowledges that habitat for special-status plant and animal species could be disturbed by the development that occurs in the community boundaries: "Although habitat for special-status plant and animal species may be directly or indirectly affected, potential disturbances or loss as a result of projected development under the General Plan Update are expected to be focused within the identified communities."

The RDEIR's impact assessment relies, in part, on existing state and federal laws to address potential impacts through site-specific environmental review and permitting. It is appropriate for the analysis to assume that subsequent projects in the County would comply with existing regulations and that the regulatory bodies would faithfully execute their review. Where this review is part of the CEQA process, it is true that mitigation suggested by the responsible and trustee agencies through review of the EIR can be determined to be infeasible by the Board of Supervisors, which would result in the preparation of a Statement of Overriding Considerations. However, the discussion and analysis cited in the comment pertains to special-status species for which projects would be required to obtain permits from USFWS and CDFW. These agencies can include all appropriate mitigation in their permit requirements, which are not subject to approval by the Board of Supervisors. Nevertheless, as it relates to species listed under the state or federal endangered species acts, take of any individuals is legally prohibited without a permit. Moreover, under the legal requirements of both the federal and state acts, a take permit cannot be legally issued unless impacts to the species are "fully mitigated."

With regard to the comment that state and federal resource staff is too busy to engage in their responsibilities with regard to resource protection, CEQA must rely on the execution of legal responsibilities in determining whether impacts would be avoided. Under CEQA, it cannot be assumed that people will break the law (avoid mitigation, not seek take permits, agency staff would not do what they are obligated to do, etc.); otherwise, the entire ability to draw conclusions would be thrown into speculation. This is not the intent of CEQA. The County reasonably must rely on compliance with laws and regulations.

O3-29 The comment expresses an opinion about Impact 3.4-1 (Disturbance or Loss of Special-Status Plant and Animal Species), which the RDEIR concludes would be less than significant. The comment opines that the impact to special-status species would be significant due to the implementation of policies that provide the County more and different methods for analyzing impacts and identifying mitigation than under the 1996 General Plan.

As described in response to comment O2-3, the analysis in the RDEIR correctly reflects the proposed plan language and established significance thresholds. CEQA does not require a determination of significance based on a comparison against the 1996 General Plan. Further, the analysis is based on the adherence to established state and federal laws. Policies and implementation programs that provide suggested actions that may not be executed or required are not relied upon to reach significance determinations. Moreover, all policies and implementation programs are evaluated in the RDEIR. Revisions to policies are proposed as mitigation measures where such changes are necessary or reasonable to reduce the effect of a potentially significant impact.

The comment also asserts that justification is not provided for the significance determination in Impact 3.4-4 (Disturbance or Loss of Animal Movement Corridors). In fact, the evaluation on pages 3.4-40 and 3.4-41 provides a complete discussion of potential direct and indirect impacts to wildlife movement corridors and cites specific policies in the General Plan Update. As indicated on page 3.4-41 in Section 3.4, "Biological Resources," "…Policies 16.A.6, 16.B.1, 16.B.2, 16.B.4, 16.B.7, 16.B.9, 16.B.10, 16.C.1, 16.C.2, 16.C.3, and 16.C.5 address tree retention, conservation of wildlife corridors and encouraging development within identified communities, invasive species eradication, native species establishment, incentives for conserving important biological areas, and conservation of oak woodlands and preservation of heritage trees. Policy 16.B.5 requires development that is subject to a discretionary entitlement from the County and to environmental review under CEQA to evaluate potential impacts and mitigate significant impacts to animal movement…"

Please see response to comment O3-28 regarding reliance on state and federal law with regard to mitigation of impacts to listed species.

O3-30 Global climate change impacts are discussed in the RDEIR at pages 3.8-1 through 3.8-32. The General Plan Update includes goals, policies, and implementation programs which would reduce GHG emissions associated with new land uses. For example, Policy 18.A.1 requires the development of a CAP with a target of reducing GHG emissions consistent with statewide targets. Implementation Program 18.A.d provides that the County will "[a]dopt and begin implementing the CAP prior to 2020." (General Plan Update, p. 18-3) Thus, the comment is incorrect that there is no timeline for implementation of GHG mitigation measures to be required by the CAP. Implementation Program 18.A.a. provides for including "specific GHG emissions reduction measures in the CAP," and includes a list of example measures (RDEIR, p. 3.8-20 through 3.8-21). Implementation Program 18.A.b. provides for including "specific adaptation strategies in the CAP," and provides a list of example strategies. (RDEIR, pp. 3.8-21 through 3.8-22) The CAP, once adopted, will implement goals, policies, and implementation programs that are identified through the CAP process, with a target of reducing County-wide emissions consistent with SB 32 goals to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030 as set forth in the 2017 Scoping Plan (RDEIR, p. 3.8-27).

In addition, in 2012 the County Board of Supervisors adopted TCTC's Tuolumne County Regional Blueprint Greenhouse Gas Study. The Study identified a Countywide target to reduce Tuolumne County's GHG emissions 15 percent below 2010 levels by 2020, and a project-level threshold of 4.6 metric tons of CO_2 equivalent GHG emissions ($MTCO_2e$) per service population per year that will be applied evenly to future land development applications Countywide. The project-level threshold will help ensure that new development will reduce its share of emissions consistent with AB 32 and the Countywide reduction target.

Despite the Regional Blueprint Greenhouse Study, the RDEIR identified the impact as significant, because since a CAP or similar GHG reduction plan has not yet been adopted by the County, it cannot be relied upon to attain the 2040 GHG targets. Projected development under the General Plan Update was therefore determined to result in a substantial increase in GHG emissions (RDEIR, p. 3.8-27 through 3.8-28). Mitigation Measure 3.8-1 includes

additional GHG emissions reduction measures in the list of potential measures to include in the CAP (RDEIR, p. 3.8-28 through 3.8-30).

To summarize, the RDEIR evaluates the potentially significant impacts, identifies measures which will mitigate the impacts to the extent feasible. Prior to adoption of a CAP, the County will continue to analyze individual projects consistent with CEQA and the Regional Blueprint Greenhouse Gas Study. This mitigation structure is appropriate under CEQA.

The commenter states that "it is completely unclear how refining protection guidelines for riparian areas has anything to do with GHG emissions." Areas with abundant trees, including riparian areas, provide carbon sequestration. A similar GHG reduction measure is included in Implementation Program 18.A.a for establishing targets and enhanced programs for oak woodland and coniferous forest preservation and mandatory replanting.

The commenter proposes the following additional mitigation measures for the County to consider:

<u>Transportation</u>

"New projects shall contribute towards public transit funding in order to upgrade and enhance transit options."

"New projects shall provide a minimum of one electric charging station for every 30 parking spaces that are required for the project."

"New development projects that will employ 50 or more employees shall either provide for employee housing on site for at least 10% of employees or the project shall contribute to a County fund to incentivize construction of affordable housing."

<u>Electricity</u>

"New development projects shall be required to use 'smart lighting' (b-level sensor LED or LED-solar systems) for all outdoor lighting and streetlights, all parking lots and parking garages, and interior common areas of commercial building. A bi-level lighting system provides a minimum level of light to meet minimum safety concerns and then increases lighting when people are present, using a motion-sensor-based system."

"All lighting fixtures, appliances, and air conditioning units in new development that include residential units or commercial buildings that are approved through discretionary permits shall have the Energy Star rating."

The RDEIR references numerous implementation programs, and Mitigation Measure 3.8-1, that reduce GHG emissions associated with transportation and building energy. (See RDEIR, p. 3.8-20 - 3.8-24 and 3.8-28 - 3.8-30.) As discussed in response to comment O3-21, the recommended measures are generally included in Implementation Program 18.A.d and Mitigation Measure 3.8-1. For example, Implementation Program 18.A.a includes the following:

- Require compliance with CALGreen Tier 1 Green Building standard and Tier 1 Building Energy Efficiency Standards for eligible alternations or additions to existing buildings;
- Require compliance with CALGreen Tier 1 Green Building standards and Tier 1 standards for all new construction, and phase in Zero Net Energy standards for new construction.

CALGreen Tier 1 requires pre-wiring of a percentage of parking spaces for electric vehicle charging. The implementation program also includes a measure to increase the supply of electric vehicle charging stations.

Other measures in the RDEIR similar to those recommended by the commenter include supporting alternatives to private vehicle travel for visitors (such as shuttles) and promoting telecommuting at office-based businesses. Mitigation Measure 3.8-1 also identifies VMT reduction measures, including fostering land use intensity with connectivity to employment centers and services, as well as improving local jobs/housing balance.

It is important to note that because the CAP is required to meet SB 32 targets, a performance standard is established in the mitigation: 40 percent below 1990 levels by 2030 as set forth in the 2017 Scoping Plan. The CAP will identify specific reduction measures to meet this target. The reason the RDEIR concludes the impact is significant and unavoidable is that the CAP has not yet been adopted. By committing to develop a CAP, the RDEIR incorporates all feasible mitigation into the General Plan Update. Also, please see responses to comments O3-18, O3-19, O3-30, and O5-17.

O3-31 The biological resources highlighted by the commenter (wildlife movement corridors along streams, riparian habitats, aquatic habitats and associated species) are all considered important and potentially sensitive resources by the County and the State. These resources are subject to applicable local, state, and federal regulatory protections and environmental review standards (e.g., Clean Water Act, California Fish and Game Code, CEQA), and mitigation for any potential project-related disturbance or loss determined to be significant, regardless of whether the General Plan Update specifies development design standards to protect these resources (e.g., defined stream/riparian setbacks or buffers.).

As described in the RDEIR, in addition to existing state and federal regulations that protect some sensitive habitats (e.g., riparian and aquatic resources), General Plan Update policies and implementation programs, and policies established in the five Community Plans, address minimizing impacts and protecting sensitive habitats and establish requirements for project-level environmental review and mitigation for significant impacts to sensitive habitats. Additionally, Policy 16.B.6 allows property owners to utilize the 1987 Wildlife Handbook to assist in designing mitigation for impacts to biological resources, recognizing that mitigation requirements for projects may exceed the options presented in the 1987 Wildlife Handbook. The RDEIR concludes that with implementation of local, state, and federal laws protecting wildlife species and habitats; proposed policies and implementation programs; and mitigation measures identified in the RDEIR, project-related contribution to cumulative impacts on biological resources would not be considerable. Therefore, no additional mitigation is required.

O3-32 Exhibit 3.4-3 presents all federally designated critical habitat mapped by the USFWS, as explained on page 3.4-13 of Section 3.4, “Biological Resources.” Note, however, that this map in no way limits the analysis of potential impacts to special-status species (Impact 3.4-1) or sensitive natural communities (Impact 3.4-2).

O3-33 Section 3.4.2, “Regulatory Setting,” makes no claims regarding analysis of project-specific impacts. Section 3.4.3, “Impact Analysis,” includes the following under the heading “Methods of Analysis” on page 3.4-21: “The following analysis is programmatic and is not developed for specific projects. Thus, project specific impacts to biological resources are unknown and a qualitative analysis is presented herein.” The RDEIR is designed to provide a programmatic assessment at a Countywide scale. It is not necessary, nor appropriate, to speculate as to the specific effects of each individual future development project that could be proposed over the life of the General Plan Update. The extent that the policy relies on the 1987 Wildlife Handbook does not change the amount of information available regarding future development projects. For additional discussion of the level of detail required for programmatic documents, refer to response to comment O5-8.

O3-34 See Master Response 3. The commenter states that "the proposed mitigation measure (Implementation Program 8.A.x) helps prevent some conversion on High-Value agricultural land, but does not replace or compensate for land that is being converted." Mitigation Measure 3.2-1 provides for compensation for the loss of High-Value Agricultural Land and has been revised to provide compensation for Important Farmland.

Contrary to the assertions in the comment, the proposed General Plan Update contains goals and policies that prioritize the preservation of agricultural lands in the County. Goal 8A states "Avoid the conversion of agricultural lands except on property determined to be infill areas." While exceptions are allowed, such as the exceptions in Policy 8.A.2, those exceptions reflect the County's policy determination that protection of agricultural land should be balanced with other policies, such as those allowing development in and near existing communities, providing housing, and allowing flexibility in the use of land. Deleting Policy 8.A.2 would therefore be inconsistent with the County's policy determinations.

The commenter also describes the analysis of Impact 3.2-3 (Conflict with Williamson Act Contracts, Agricultural Preserves, or Agricultural Preserve Overlay Districts) in the RDEIR. The commenter states that Mitigation Measure 3.2-3 "is not meaningful mitigation" because it "basically proposes a future plan or policy to be developed." Mitigation Measure 3.2-3 provides that the County shall add Implementation Program 8.B.x, which says: "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" (RDEIR, p. 3.2-21). The purpose of the mitigation measure is to provide the County with standards to deny development that could introduce growth-inducing public services into development areas. The County disagrees with the commenter's suggestion that the County should completely disallow growth-inducing public services on agricultural lands. Rather, the policies proposed in the General Plan Update reflect the County's balancing of goals to protect agriculture with other goals and policies to allow development in the proper contexts.

O3-35 The policies and implementation programs proposed in the General Plan Update are analyzed as components of the project. As stated in the comment, no mitigation is proposed for Impact 3.4-1 (Disturbance or Loss of Special-Status Plant and Animal Species) because the analysis finds that implementation of the proposed General Plan Update, including enacting the proposed policies and implementation programs, in the context of existing regulations, would not result in a significant impact. Furthermore, as explained throughout the responses to this letter, while the analysis acknowledges that the General Plan Update intends to follow the overall vision of land use provided in the Blueprint, the analysis in the RDEIR is not predicated on the assumption that all development would occur within the identified communities. See also response to comment O3-28.

As indicated in response to comment O2-4, Policy 16.B.6 allows property owners to utilize the 1987 Wildlife Handbook to assist in designing mitigation for impacts to biological resources, recognizing that mitigation requirements for projects may exceed the options presented in the 1987 Wildlife Handbook (see RDEIR p. 3.4-31). For a discussion of Mitigation Measure 3.4-2, refer to response to comment O3-27. As explained there, Implementation Program 16.B.j gives the County the ability to find that any project that would remove more than 10 percent of the native oak canopy would have a substantial effect (rather than the blanket 20 percent requirement under the guidelines in the 1987 Wildlife Handbook). For the County to allow 90 percent removal of oak canopy on a parcel, the existing oak woodland would have to be of very low habitat quality and/or very small in acreage. See also response to comment O3-28 regarding listed species.

With respect to the evaluation of potential effects on riparian habitat and wildlife movement corridors, the significance determinations reached in the RDEIR are based on the potential

for effects in light of the existing regulatory environment and considering the body of policies and implementation programs that would relate to the preservation of these resources. Where the application of policies and implementation programs cannot be assumed, they have not been factored in to the conclusion. Effects on riparian resources were determined to be less than significant with regulatory compliance – absent the implementation of policies proposed in the General Plan Update. As stated on page 3.4-35 of Section 3.4, "Biological Resources," "[c]ompliance with existing state and federal regulations and permitting requirements during project-level environmental review would minimize the loss of these sensitive habitats during construction and provide habitat compensation for the unavoidable loss of riparian and aquatic habitats through CWA Section 404 and Fish and Game Code Section 1600 et seq. permitting/review processes." The no net loss policies of the regulatory agencies would sufficiently address the potential for loss of riparian habitat.

Wildlife movement corridors are described on pages 3.4-13 and 3.4-14 of the RDEIR. As provided therein, there are both regional wildlife corridors (such as those mapped by CDFW and depicted in Exhibit 3.4-4) and small-scale corridors (potentially including the drainages shown in Exhibits 3.4-2a and 3.4-2b). The evaluation of potential impacts in this program-level analysis is based on broad corridor mapping. Subsequent development that is subject to a discretionary entitlement from the County and to environmental review under CEQA would be required to evaluate effects at the project level and mitigate significant impacts to wildlife movement corridors under Implementation Program 16.B.i.

03-36 See Master Response 6 and response to comment 05-20 regarding fire safety.

03-37 The commenter states that "the overwhelming majority of wells actively removing groundwater in Tuolumne County have nothing to do with TUD, but are instead private wells spread across the County. At this time, there is no proposed realistic mitigation measure that can either curtail the use of existing wells. However, the EIR fails to address the potential for new wells to be approved in conjunction with new development proposals, and those wells can have an impact on groundwater depletion and recharge."

The RDEIR recognizes that projected development under the General Plan Update would increase demand for water. TUD provides water (either directly or indirectly) to most of the developed portions of Tuolumne County, and TUD has projected that water supply will exceed demand through the 2040 planning horizon of the General Plan Update, even using a growth rate higher than 0.6 percent. No effect on groundwater supply is anticipated to result from TUD's water delivery because the portion of the overall supply that would be derived from groundwater would be maintained at the 2015 level of 1,465 acre-feet annually.

With respect to new wells, construction would be limited and dispersed throughout the County because projected development under the General Plan Update would most likely occur in identified communities. Approximately 77 percent of the County's total land area is under government ownership or management, which are largely open-space areas.

Policy 14.A.5 in the General Plan Update provides that groundwater resources would be managed in a manner consistent with the Sustainable Groundwater Management Act, and Implementation Program 14.A.h would discourage incompatible development near groundwater recharge stations that could affect the recharged groundwater levels (RDEIR, p. 3.10-26). The General Plan Update includes many other policies that would further protect water supply (see, e.g., RDEIR, p. 3.10-16 - 3.10-18). In addition, Chapter 13.16 of the Tuolumne County Ordinance Code regulates the construction of wells, and Chapter 13.20 regulates groundwater management.

The RDEIR determined impacts to groundwater supplies and recharge would be less than significant (RDEIR, p. 3.10-27). Because groundwater is confined to limited, highly localized

areas within the County, impacts to groundwater would not combine with impacts occurring outside the County, and a less-than-significant project impact would not contribute substantially to a significant cumulative impact.

The commenter requests the addition of a policy in the General Plan Update which states: "In order to minimize the risk of drought depletion of groundwater, new development shall not be approved at locations where no public water is available unless well testing shows the tested groundwater supply to be at least double rate of the projected demand of the project." Because the RDEIR determined the General Plan Update will not have significant effects on groundwater supplies and recharge, the County is not required to adopt additional policies or mitigation measures.

See also responses to comments O3-38 and O3-39.

O3-38 The General Plan Update, through its various policies, strongly encourages siting development in and adjacent to developed communities, "…in areas where public water and sewer services are available or can be developed" (Policy 14.C.2, as cited on RDEIR, p.3.17-11). Policies encouraging locating new development in and next to identified communities can be found throughout the General Plan Update; in short, this is a focus of the General Plan Update. Nevertheless, the General Plan Update also does not prohibit development in rural areas that are not served by public water, and some development in these areas is also expected to occur.

Even though the location and extent of rural development that relies on wells is not, and cannot, be known without pure speculation, cumulative impacts resulting from use of wells is not expected. (It is presumed that the commenter is referring to cumulative effects on groundwater, but the comment does not provide reference to what the cumulative effect may be.) In addition to the myriad of policies encouraging use of public water systems, Policy 3.A.3 requires that new urban residential development with a density of one unit per two acres, or greater, is served by public water. Consequently, only lots that have one unit for two acres or more would be allowed to be served by a private well.

As described in Section 3.10, "Hydrology and Water Quality," of the RDEIR, the County is not underlain by groundwater basins, which are made up of subsurface pools of water residing in loose, unconsolidated sediment or porous, permeable bedrock. Instead, the County is largely underlain by impermeable, fractured granitic and greenstone bedrock, with thin soil mantles above. In these conditions, groundwater flows through subsurface fissures and cracks, pools in some locations and is unavailable in others. Private wells drilled in these conditions frequently result in "dry" or insufficient water production, because conditions are highly localized and specific to a parcel's location. Lots need to typically be sized (in Tuolumne County, 2 acres or larger per dwelling) such that use of a well on one parcel does not affect production on an adjacent parcel. However, due to the unknowable nature of the fissures, cracks, and pools below one property, instances occur where water production on one property affects adjacent properties.

In addition to General Plan Update policies encouraging reliance on public water systems, the County regulates water wells via Tuolumne County Ordinance Code Chapter 13.16. As it pertains to effects on offsite water sources, Section 13.16.060 states, in part:

> It shall be the responsibility of the permit holder to maintain a copy of the permit on the work site during all stages of work on a well. A permit for work on a well shall not be issued if the proposed well:
>
> A. Will prohibit the use of surrounding property for any of the purposes for which it is zoned;

B. Will be subject to contamination;

C. Will create a risk of contamination of usable groundwater;

D. Will be in violation of this chapter;

E. Will constitute a public health hazard.

The prohibition against affecting the use of surrounding property provides a mechanism for the County to ensure the actions associated with using well water on one property does not affect adjacent properties.

The RDEIR concludes, under both Impact 3.10-4 (Substantially Deplete Groundwater Supplies or Interfere Substantially with Groundwater Recharge) and Impact 3.17-1 (Exceed Water Supply Infrastructure Capacity or Entitlements such that New or Expanded Infrastructure or Entitlements would be Required) that, due to various County policies, the large percentage of County land undevelopable because of public ownership, and the relatively modest amount of development, groundwater effects would not be significant. Because this is a Countywide analysis, it is cumulative. The RDEIR acknowledges that individual wells could fail, which would be adverse to an individual landowner. However, it is not expected that this condition would affect large numbers of landowners, and the Tuolumne County Ordinance Code has enforcement mechanisms to ensure that the actions of one landowner do not affect use of the adjacent landowner. Therefore, these individual potential landowner effects would not be substantial. Based on this information and the lack of substantial evidence in the comment that would suggest a different conclusion, the conclusions of the RDEIR are not altered by this comment.

O3-39 The commenter is correct that policies that “encourage” an outcome are different than those that require compliance with a directive or other performance criteria. Regarding groundwater, the impact is less than significant for the reasons outlined in response to comment O3-38, including the limited expected growth, the fractured nature of the groundwater table, and Tuolumne County Ordinance Code protecting adjacent properties (in addition to policies that “encourage” growth in communities relying on public water). Regarding public water, Impact 3.17-1 (Exceed Water Supply Infrastructure Capacity or Entitlements such that New or Expanded Infrastructure or Entitlements would be Required) clearly demonstrates that water supply would exceed demand at the General Plan Update buildout year (supply: 28,282 acre-feet per year [AFY]; demand: 21,182 AFY). The RDEIR clearly demonstrates sufficient supply is available (including in multiple dry years) to meet future demand. The comment provides no evidence to dispute this conclusion.

O3-40 With regard to the referenced comment letter submitted on behalf of the commenter by the firm Shute, Milhaly & Weinberger, please see responses to comments O5-1 through O5-24. With regard to the referenced comments submitted by Robin Wood, please see responses to comments I16-1 through I16-12.

With regard to the request to extend the public review period by 14 days, Section 15105 of the State CEQA Guidelines requires a minimum 45-day review period. The County notes that the Draft EIR was circulated once, and the County is now recirculating it for review as a Recirculated Draft EIR. Thus, the County has deemed that a 45-day review period in the instance of the RDEIR is fair and sufficient, and compliant with CEQA.

Quartz and Stent Community Concerns with the Proposed General Plan Amendment Land Use Change from Estate Residential to Low Density Residential

Letter 04

The General Plan Update that is circulated for public comment will change the Quartz and Stent communities from Estate Residential, one single family dwelling per two (2) acre, to Low Density Residential 7,500 sq. ft. minimum lot – 6 single family dwellings with an accessory dwelling per acre for a total of 12 units per acre. The Board of Supervisors can grant a density bonus for affordable housing that would increase the total of dwellings per acre at their discretion. The reason given by Staff for this change is

1) To bring the General Plan into vertical compliance – make the General Plan Land Use and the Zoning Ordinances into agreement with each other. There are presently numerous, over 200, small mining/Township/Residential parcels previously created that are below the 2 acre minimum.
2) To preserve the property rights of the parcels that are under the Estate Residential 2 acre minimum.

The proposed change of the General Plan land use designation would change the present ESTATE RESIDENTIAL - MINING/TOWNSHIP/Residential Parcels to LOW DENSITY RESIDENTIAL parcels which is a completely different land use, leads to dramatic intensification of use and is the opposite on all the stated General Plan Amendment overarching vision, goals, policies and implementation programs.

What we, the residents of Quartz and Stent communities, are asking is that our communities remain as they are – No change be made to the current land use designation of Estate Residential. 04-1

There are more 200 mining claims that were filed during the gold rush time of the late 1800's to early 1900's on approximately 40 acres that are the present day Quartz and Stent areas. These mining claims were filed for mineral extraction purposes. The mining claims created separate parcels to protect the parcel owner's mineral rights. During the early 1900's there was a second gold rush and the Stent Township grew up with a community school, general store and saloon that are not in use today but the school and original homestead are existing buildings of historical significance that we feel should be preserved. The Stent Township created numerous township lots for both public and private use, these lots were 50 by 100 square feet and the private parcels had a small single family home with an outhouse in the back.

The 1996 General Plan has the land use designation as Estate Residential, one dwelling per 2 acres, changing this land use designation to Low Density Residential 7,500 sq. ft. minimum will bring some of the larger parcels into "vertical compliance"- zoning and new General Plan land use but the majority of the parcels that are not 7,500 sq. ft. will still not be in compliance. The fact that a majority of parcels will not be in vertical compliance negates the reason for changing the land use. This will open up a Pandora's Box of issues for the many parcels that are not 7,500 sq. ft. such as will they lose their historic non-conforming use protection.

We find it very disingenuous and misleading for Staff to claim that the land use designation has to be changed to Low Density Residential, 7500s.f. minimum to protect the parcel owners' property rights. The owner's property rights are protected in the current General Plan and Zoning Ord. Chapter 17.58. The properties are currently Estate Residential in the 1996 General Plan and the Zoning designation is a non-conforming use and all rights for uses and structures are protected as a non-conforming use under the zoning ordinance Chapter 17.58.

We, the property owners of Quartz and Stent communities ask that no change be made to the 1996 General Plan land use designation and the Zoning Ordinance as our property rights are protected.

O4-1 cont.

Sincerely,

The Quartz and Stent Communities

Dropbox link to some of the General Plan documents that I have highlighted to show areas of concern. Please go to Tuolumne County website then Draft General Plan for more information

https://www.dropbox.com/sh/n1z2vmge8ukekid/AADBZMDm-CBfzO1dA0AJItuXa?dl=0

Please contact Donna Vingo if you have any questions or concerns

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Print Name	Address	Signature
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Linda Leitner	16866 Dutch Mine Rd	Linda Leitner
Teresia Lonien	16870 Dutch Mine Rd.	Teresia Lonien
STACY LYTLE	16827 Dutch Mine	Stacy L Lytle
Jerome Ford	16868 Cindy Ct	Jerome Ford
Lisa Jensen Smith	16822 Cindy Ct	Lisa Jensen Smith
Brook Silva	16808 Cindy Ct	Brook Silva
JOHN BONILLA	16800 DUTCH MINE RD	[illegible]
JIM WHEELER	10345 APP ST Jamestown CA	[illegible]
C. Kisor	16585 DUTCH MINE	Carol Kisor
J+D Davidson	16701 Dutch Mine Rd Jamestown CA	[illegible]
EILEEN TIERNEY	16505 STAMP MILL LOOP	[illegible]
KEITH ANDRADE	16443 STAMP MILL LOOP	[illegible]
Tom Fraser	16812 Quartz Street	[illegible]
Tom Fraser II	10630 Campo Seco	[illegible]
SEAN HANNES	16656 Dutch Mine Rd	Sean Hannes
TOM FRASER II	17013 JACKSONVILLE RD 16499 STENT CUT OFF RD	[illegible]
TW Kile	16480 Stamp Mill	Thomas W. Kile
Bill Kile, KATHLEEN KILE	Jamestown CA " "	Kathleen Kile
ALLEN LEHR	16852 JACKSONVILLE RD	[illegible]
Tom Tuttle	16765 Jacksonville Rd	Tom Tuttle
Jane Silveira	16656 Jacksonville Rd	[illegible]
[illegible]	16685 Jacksonville Rd	[illegible]
Joan E Nelson	10501 Thistledown Rd	Joan E Nelson
Andrew J Nelson, Aubrey J Nelson	10501 Thistledown Rd	Andrew J Nelson
Miguel Cueto	10553 Thistledown Rd.	[illegible]
Maria Cueto, ~~Linda Gandolfo~~	10533 Thistledown Rd	Maria Cueto
LINDA GANDOLFO	16837 JACKSONVILLE ROAD	Linda Gandolfo
ROBERT GANDOLFO	16837 JACKSONVILLE Rd	Robert Gandolfo
ERIN Gandolfo-Brune	17306 Jacksonville Rd	[illegible]
JOSEPH BRUNE	17306 JACKSONVILLE RD	[illegible]
Klayton Powell	10614 Jim Brady Rd	Klayton Powell

Print Name	Address	Signature
Jeanette Wallace	16310 Jacksonville Rd	Jeanette A Wallace
JEFFREY THALMAN	16260 PLACER ST	Jeffrey A. Thalman
Mary Smith	16246 Placer St.	Mary Smith
JAY Geehl	16202 PLACER St.	
Duncan McFarland	16150 Placer St	
Greg Beesley	16175 placer ST	Greg Beesley
William Snodgrass	16170 Jacksonville Rd	William Snodgrass
Sharon Newell	16170 Jacksonville Rd	Sharon Newell
DAVID KING.	16129 JACKSONVILLE RD.	
Stuart Helvbold	16160 Klein St Jamestown	
Louise Garrison	16175 Klein St	Louise Garrison
Matt Litteral	16191 Klein St	Matt Litteral
SHIRLEY LAMB	16238 JACKSONVILLE Rd	Shirley Lamb
Roy BISI	16238 JACKSONVILLE Rd	
PAUL BISI	16255 PLACER Rd	recovering from accident
Elizabeth E. Brichetto	16424 Dutch Mine Rd	Elizabeth Ann Brichetto
CHARLES B. SMITH	16246 PLACER ST	
RALPH GURNEY	10215 BELL MOONEY RD	Ralph Gurney
DAVID P FRASER JR	16513 Jacksonville Rd	
Megan McWilliam	16424 Dutch Mine Rd.	Megan McWilliam
Thomas F. Strother	18162 6th Ave Jamestown	
Joel Casler	10517 Thistledown Dr. Jamestown	Joel Casler
Debra Turner	15550 Jumper Mine Rd Jamestown	/Stent, Calif. Debra Turner
Bob Hoagland	" " " " Stent	
ROGER Stevens	10357 AUGUSTA LN Jamestown	
Brad A Johnson	16643 JACKSONVILLE Rd	Brad A Johnson

Print Name	Address	Signature
Jeanette Wallace	16310 Jacksonville Rd	Jeanette A Wallace
JEFFREY THALMAN	16260 PLACER ST	Jeffrey A. Thalman
Mary Smith	16246 Placer St.	Mary Smith
JAY Geehl	16202 PLACER St.	
Duncan McFarland	16150 Placer St	
Greg Beesley	16175 placer ST	Greg Beesley
William Snodgrass	16170 Jacksonville Rd	William Snodgrass
Sharon Newell	16170 Jacksonville Rd	Sharon Newell
DAVID KING.	16129 JACKSONVILLE RD.	
Stuart Helvbold	16160 Klein St Jamestown	
Louise Garrison	16175 Klein St	Louise Garrison
Matt Litteral	16191 Klein St	Matt Litteral
SHIRLEY LAMB	16238 JACKSONVILLE Rd	Shirley Lamb
Roy BISI	16238 JACKSONVILLE Rd	
PAUL BISI	16255 PLACER Rd	recovering from accident
Elizabeth E. Brichetto	16424 Dutch Mine Rd	Elizabeth Ann Brichetto
CHARLES B. SMITH	16246 PLACER ST	
Aubrey Modrell	10600 Campo Seco rd	Aubrey Modrell
Tanner Hagstrom	10600 Campo seco rd	Tanner Hagstrom
Tom Nurs	17415 Hwy 108 J.T.	
Ellen Bridges	17415 Hwy 108 J.T	
LINDA Emerson	19753 Rawhide Rd. Sonora	

Duplicates page 2

the parcel is improved with a multiple-story residence. The maximum FAR may be exceeded for affordable housing units in accordance with the Tuolumne County Ordinance Code.

LDR - Low Density Residential

Purpose - The LDR designation provides for family-oriented neighborhoods that feature single-family, detached homes on individual parcels. A second dwelling unit per parcel is also permitted to provide for the caring of family members and to promote affordable housing. This designation is applied to urban or urbanizing areas suitable for single-family residential neighborhoods, with individual lots ranging in area from 7,500 square feet to two acres.

General Uses - Typical land uses allowed include: detached single-family dwellings, secondary dwellings, residential accessory uses, parks, child care facilities and public facilities.

Minimum Parcel Size - 7,500 net square feet. The minimum parcel size may be reduced for the provision of affordable housing in accordance with the Tuolumne County Ordinance Code.

Building Intensity - Six (6) dwellings units per acre is the maximum building intensity under this designation; however, additional units are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code or the Tuolumne County Ordinance Code. The maximum FAR for buildings on parcels that are at least 7,500 square feet (net acreage) in area is 0.5. The maximum FAR for buildings on parcels that are less than 7,500 square feet (net acreage) is 0.6 if the parcel is improved with a single-story residence and 0.75 if the parcel is improved with a multiple-story residence. The maximum FAR may be exceeded for affordable housing units in accordance with the Tuolumne County Ordinance Code.

MU - Mixed Use

Purpose - The MU designation provides for a mixture of residential, commercial and recreational facilities in an urban setting. This designation is applied within urban areas where a mixture of these uses is desirable near transportation corridors, downtowns, defined community centers, major commercial centers, schools and community services.

General Uses - Typical land uses allowed include: detached and attached single-family dwellings, all types of multiple family dwellings, such as duplexes, apartments, senior housing projects, commercial facilities, parks, child care facilities, and public facilities.

Minimum Parcel Size - 2,500 net square feet. The minimum parcel size may be reduced for the provision of affordable housing in accordance with the Tuolumne County Ordinance Code.

Building Intensity - Fifteen (15) dwelling units per acre is the maximum building intensity under this designation; however, additional units are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code or the Tuolumne County Ordinance Code. Additional units are also possible through a density bonus for development projects that include both residential and commercial uses. The maximum FAR for buildings is 2.0. The maximum FAR may be exceeded for affordable housing units in accordance with the Tuolumne County Ordinance Code. Additional building coverage is possible through the density bonus regulations of the Government Code related to the provision of child care facilities.

HC - Heavy Commercial

Purpose - The HC designation provides for a variety of sales and service establishments, including outdoor sales and wholesale businesses, which serve both the residents of Tuolumne County and its visitors. This designation is found within urban areas to provide for wholesale and heavy commercial uses and services necessary within the County. In addition to the uses permitted in the NC and GC designations, HC provides for limited uses that are light industrial in nature, such as general manufacturing, processing and refining. Buildings in this designation are limited to 50 feet in height.

General Uses - Typical establishments permitted under this designation include shopping centers, hotels, motels, restaurants, bars, department stores, professional offices, automobile sales, outdoor sales and storage, and equipment repair facilities.

Minimum Parcel Size - 2,500 net square feet. The minimum parcel size may be reduced for the provision of affordable housing in accordance with the Tuolumne County Ordinance Code.

Building Intensity - One (1) dwelling per 2,500 square feet is the maximum residential building intensity under this designation; however, additional units are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code or the Tuolumne County Ordinance Code or to allow single room occupancies in hotels and motels to implement the Housing Element. The maximum FAR for buildings is 2.0. The maximum FAR may be exceeded for affordable housing units in accordance with the Tuolumne County Ordinance Code. Additional building coverage is possible through the density bonus regulations of the Government Code related to the provision of child care facilities.

ER - Estate Residential

Purpose - The ER designation provides country-estate type living conditions while maintaining limited areas of open space dedicated to agricultural pursuits, grazing or left undisturbed. This designation serves as a buffer between urban and urbanizing areas and areas where public services are limited.

General Uses - Typical uses allowed in the ER designation include one single family dwelling per parcel, one secondary dwelling per parcel, agricultural uses, such as crop production and grazing, and public facilities.

Minimum Parcel Size - 2 gross acres. The minimum parcel size may be reduced for the provision of affordable housing in accordance with the Tuolumne County Ordinance Code.

Building Intensity - One (1) primary dwelling unit per two (2) acres is the maximum building intensity under this designation; however, additional units are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code or the Tuolumne County Ordinance Code. The maximum FAR for buildings is 0.5. The maximum FAR may be exceeded for affordable housing units in accordance with the Tuolumne County Ordinance Code.

HR - Homestead Residential

Purpose - The HR designation provides country-estate type living conditions while maintaining areas of open space dedicated to agricultural pursuits, grazing or left undisturbed. This designation, with its maximum residential density of one (1) dwelling per three (3) acres, is

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Chapter 17.18

SINGLE-FAMILY RESIDENTIAL DISTRICT, OR (R-1) DISTRICT

Sections:

17.18.010 Purpose.
17.18.020 Permitted uses.
17.18.030 Conditional uses.
17.18.040 Minimum parcel size.
17.18.050 Building intensity.

17.18.010 Purpose. The purpose of the single-family residential (R-1) district is to stabilize and protect the residential characteristics of the district and to promote and encourage a suitable environment for family life. The single-family residential (R-1) district is intended for suburban family homes. Development in this zone must comply with Title 15 of this code relative to fire safety standards. Development to a density of one unit per less than two acres must be served by paved roads and public water. Development to a density of one unit per one-third acre or less must be served by public sewer. (Ord. 1980 § 5, 1993; Ord. 1306 § 8, 1983; Ord. 1229 § 2 (part), 1982).

17.18.020 Permitted uses. Within any single-family residential (R-1) district, the following uses are permitted unless otherwise provided in this chapter:

A. One primary single-family dwelling per parcel; (Ord. 2595 § 12, 2004)

B. One guesthouse or one detached secondary single-family dwelling, not exceeding one thousand two hundred (1,200) square feet of living area, when the parcel is fifteen thousand square feet or larger, or one attached secondary single-family dwelling unit, not exceeding one thousand two hundred (1,200) square feet of living area, regardless of the parcel size.

C. Nurseries and greenhouses for domestic use;

D. General recreational use incidental to the primary use of the parcel;

E. Firehouses and police stations;

F. Residential care homes or nursery schools within a permitted single-family dwelling, for not more than eight persons;

G. Public utility distribution facilities;

H. Prospecting;

I. Small or large family day care home within a permitted or conditional use single-family dwelling, subject to the requirements of section 17.52.160;

J. Private garages accessory to a single-family dwelling, or one private garage, not to exceed a building coverage of 25% of the parcel or 4,000 square feet, whichever is less, as a primary use of the parcel;

K. Transitional housing and supportive housing within a permitted single-family dwelling;

L. Keeping of poultry when the parcel complies with the requirements of Section 17.52.260;

M. Accessory uses and structures appurtenant to permitted uses. (Ord. 3267 §§ 3, 4, 2014; Ord. 3266 §§ 20, 21, 22, 2014; Ord. 3170 § 27, 28, 29, 30, 2011; Ord. 3120 § 1, 2010; Ord. 2595 § 13, 2004 Ord. 2119 § 11, 1995; Ord. 2049 § 6, 1994; Ord. 1620 § 3, 1988; Ord. 1229 § 2 (part), 1982).

17.18.030 Conditional uses. Within any single-family residential (R-1) district, the following uses are permitted subject to first securing a use permit:

A. Mobilehome parks;

B. On and off-shore marina facilities;

C. Tent revivals, circuses and carnivals;

D. Development of mineral resources;

E. Health care facilities;

F. Residential care homes, nursery schools day care centers, other than family day care homes;

G. Schools, churches, libraries, museums, art galleries, tourist information facilities:

H. Bed and breakfast establishments, within a permitted single family dwelling, six bedrooms or less;

I. Temporary sales offices for parcels and residences;

J. Public utility uses;

K. Refuse and sewage disposal sites and water and sewer treatment plants;

L. Christmas tree farms;

M. Sawmills for processing timber grown only on the same parcel as the sawmill is located, for a period not to exceed sixty days;

N. Accessory uses and structures appurtenant to conditional uses;

O. One guesthouse or one detached secondary single-family dwelling, exceeding one thousand two hundred (1,200) square feet of living area, when the parcel is fifteen thousand square feet or larger, or one attached secondary single-family dwelling unit, exceeding one thousand two hundred (1,200) square feet of living area, regardless of the parcel size. (Ord 3120 § 2, 2010; Ord. 2667 § 7, 2005; Ord 2595 § 14, 2004; Ord. 2119 § 12, 1995; Ord. 2115 § 12, 1995; Ord. 2049 § 7, 1994; Ord. 1757 § 5 (part), 1990; Ord. 1229 § 2 (part), 1982).

17.18.040 Minimum parcel size. Within any single-family residential (R-1) district, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than seven thousand five hundred square feet (net acreage) in area or less than fifty feet in width at the front setback line except as otherwise provided herein. An existing parcel which does not meet the parcel size or width at front setback regulations may be reconfigured to a resulting parcel which does not meet the parcel size or front setback regulations provided the reconfiguration does not result in a decrease in the size of the existing parcel and the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements. (Ord. 2127 § 12, 1996; Ord. 1953 § 1, 1992; Ord. 1229 § 2 (part), 1982).

17.18.050 Building intensity. Within any single-family residential (R-1) district, the maximum residential building intensity shall be six (6) dwelling units per acre; however, additional units are possible for attached secondary single-family dwelling units or through a density bonus for the provision of affordable housing for households of very low or lower income and senior citizens in accordance with the California Government Code. The maximum ratio of the coverage of all buildings on a parcel that is 7,500 square feet (net acreage) in area or greater, referred to as the floor area ratio (FAR), shall be 0.5. The maximum FAR for parcels less than 7,500 square feet (net acreage) in area shall be 0.6 if the parcel is improved with a single-story residence and 0.75 if the parcel is improved with a multiple-story residence. (Ord. 3120 §3, 2010; Ord. 2595 § 15, 2004; Ord. 2222 § 26, 1998).

17.18.060 Minimum residential density. Residential development within any single-family residential (R-1) district shall require a minimum density of three (3) dwelling units per acre, exclusive of areas zoned Open Space or Open Space-1, designated for park or recreational facilities, or encumbered by or proposed for deeded or dedicated easements, unless the property owner can demonstrate and the board of supervisors determines that physical or environmental constraints on the property make development to the minimum density infeasible. (Ord. 2595 § 16, 2004)

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Chapter 17.24

RESIDENTIAL ESTATE, ONE ACRE MINIMUM DISTRICT, OR (RE-1) DISTRICT

17.24.010 Purpose. The purpose of the residential estate, one acre minimum (RE-1) district is to provide for residential neighborhoods with a country-like character in which limited agricultural pursuits and the keeping of livestock are permitted. The RE-1 district is intended to provide for a suburban-style family living on a variety of parcel sizes at least one acre in area. Development in this zone must comply with Title 15 of this code relative to fire safety standards. Development to a density of one unit per less than two acres must be served by paved roads and public water. Ddevelopment to a density of one unit per one-third acre or less must be served by public sewer.

17.24.020 Permitted uses. Within any residential estate, one acre minimum (RE-1) district, the following uses are permitted unless otherwise provided in this chapter:

A. One primary single-family dwelling per parcel;
B. Mobilehome parks, not to exceed a density of one dwelling unit per acre;
C. One guesthouse or one detached secondary single-family dwelling, not exceeding one thousand two hundred (1,200) square feet of living area, when the parcel complies with the requirements of section 17.52.200, or one attached secondary single-family dwelling unit, not exceeding one thousand two hundred (1,200) square feet of living area;
D. General farming and ranching that is not detrimental to neighboring properties;
~~E. Nurseries and greenhouses for domestic use;~~
~~F~~E. General recreational use ~~incidental~~ accessory to the primary use of the parcel;
F. Agricultural processing facilities and activities for the agricultural product grown on the parcel and not to exceed 20% of the parcel size or one-half acre, whichever is less;
G. Agricultural by-product processing facilities accessory to the agricultural operation on the property;
~~G~~H. ~~Firehouses and police stations~~ Public safety facilities;
~~K~~I. Small or large family day care home within a permitted or conditional use single-family dwelling, subject to the requirements of section 17.52.160;
~~H~~J. Residential care homes, transitional housing, supportive housing or nursery schools within a permitted single-family dwelling, for not more than eight persons;
K. Private stables;
~~I~~L. The erection, construction, alteration or maintenance of gas, water, sewer, electrical, communication or other ~~P~~public utility distribution facilities except as otherwise provided in this code;
M. Growing and harvesting timber products;
~~J~~N. Prospecting;
~~L~~O. Private garages accessory to a single-family dwelling, or one private garage, not to exceed ~~a building coverage of 25% of the parcel or~~ 4,000 square feet, ~~whichever is less,~~ as a primary use of the parcel; **(BOSPC)**
~~M~~P. Accessory uses and structures appurtenant to permitted uses.

17.24.030 Conditional uses. Within any residential estate, one acre minimum (RE-1) district, the following uses are permitted subject to first securing a use permit:

~~Q~~A. One guesthouse or one detached secondary single-family dwelling, exceeding one thousand two hundred (1,200) square feet of living area, when the parcel complies with the requirements of section 17.52.200, or one attached secondary single-family dwelling unit, exceeding one thousand two hundred (1,200) square feet of living area;

~~A. Agricultural processing facilities and activities and related accessory uses for products primarily from the farm or ranch located on the parcel or a combination of the parcel and other parcels under the same ownership all of which are located in the county;~~

B. Agricultural processing facilities and activities not for the agricultural product grown on the parcel or that exceed 20% of the parcel size or one-half acre, whichever is less;

C. Agricultural marketing facilities or activities;

~~B~~D. Roadside stand ~~and other marketing and sales facilities for agricultural products primarily from the farm or ranch located on the parcel or a combination of the parcel and other parcels under the same ownership all of which are located in the county~~;

E. U-pick operations;

F. Educational workshops, craft demonstrations or demonstration gardens accessory to the agricultural operation on the property;

G. Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests;

~~C. Nurseries and greenhouses for commercial use;~~

~~D~~H. Sawmills for processing timber grown only on the same parcel as the sawmill is located, for a period not to exceed sixty days;

~~E~~I. On and off-shore marina facilities;

~~F~~J. Tent revivals, circuses and carnivals;

~~G~~K. Development of mineral resources;

~~H~~L. Health care facilities;

~~I~~M. Residential care homes, nursery schools and day care centers, other than family day care homes;

~~J~~N. Schools, ~~churches~~ places of worship, libraries, museums, art galleries, tourist information facilities;

~~K~~O. Bed and breakfast establishments, within a permitted single-family dwelling, six guest bedrooms or less;

~~L~~P. Animal hospitals, indoors;

~~M~~Q. Temporary sales offices for parcels and residences;

~~N~~R. Public utility uses;

~~O~~S. Water treatment plants;

T. Commercial alternative energy generating facilities including, but not limited to, wind and solar power facilities;

~~P. Christmas tree farms;~~

~~R~~U. Accessory uses and structures appurtenant to conditional uses.

17.24.040 Minimum parcel size. Within any residential estate, one acre minimum (RE-1) district no parcel of real property shall be divided or reconfigured where any parcel so created will be less than one net acre in area or less than one hundred feet in width at the front setback line except as otherwise provided herein. An existing parcel which does not meet the minimum parcel size or width at front setback regulations may be reconfigured to a resulting parcel which does not meet the minimum parcel size or width at front setback regulations provided the reconfiguration does not result in a decrease in

the size of the existing parcel and in the width at front setback of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and width at front setback requirements.

17.24.050 Building intensity. Within any residential estate, one acre minimum (RE-1) district, the maximum residential building intensity shall be one (1) dwelling unit per acre; however, additional units are possible for ~~attached~~ secondary single-family dwelling units, or through a density bonus for the provision of affordable housing ~~for households of very low or lower income and senior citizens~~ in accordance with the California Government Code. The maximum ratio of the coverage of all building on a parcel, referred to as the floor area ratio (FAR), shall be 0.5.

17.24.060 Minimum residential density. Residential development within any residential estate, one acre minimum (RE-1) district shall require a minimum density of one (1) dwelling unit per two (2) acres, exclusive of areas zoned Open Space or Open Space-1, designated for park or recreational facilities, or encumbered by or proposed for deeded or dedicated easements, unless the property owner can demonstrate and the board of supervisors determines that physical or environmental constraints on the property make development to the minimum density infeasible.

Chapter 17.58

NONCONFORMING USES

Sections: 17.58.010 Continuation. 17.58.015 Vested rights applicable to development of mineral resources. 17.58.020 Determination of abandonment of nonconforming use. 17.58.025 Nonconforming agricultural land uses. 17.58.030 Reversion to prior nonconforming use. 17.58.040 Repairs and maintenance and structural alterations. 17.58.050 Restoration, reconstruction or replacement. 17.58.060 Applicability. 17.58.070 Continuation of work already in progress. 17.58.080 Uses recognized by general plan.

17.58.010 Continuation. The lawful use of land or buildings existing on the effective date of this title, although such use does not conform to the regulations of the zoning district in which such land or buildings are located, may be continued; provided, that no such use or building shall be enlarged or increased, nor be extended to occupy a greater area than occupied by such use on the effective date of this title, except that a building which is nonconforming only as regards setbacks may be extended or otherwise enlarged provided that all new construction meets or exceeds the setback requirements in effect as of the date of issuance of the building permit for the new construction; and, further provided, that if such use is abandoned or ceases as provided in this chapter, the subsequent use of the land or buildings shall be in conformance with the regulations for the zoning district in which located. This section shall not apply to any use or structure established in violation of any zoning ordinance previously in effect. (Ord. 1504 § 1, 1986; Ord. 1229 § 2 (part), 1982).

17.58.015 Vested rights applicable to development of mineral resources. For determination of vested rights under the Surface Mining and Reclamation Act of 1975, please refer to Chapter 8.20 of this code. (Ord. 1229 § 2 (part), 1982).

17.58.020 Determination of abandonment of nonconforming use. If the nonconforming use of a structure or premises ceases for a period of eighteen months, the use shall be considered abandoned, and the structure or premises shall thereafter be used only for uses permitted in the zoning district in which it is located. (Ord. 1229 § 2 (part), 1982).

17.58.025 Nonconforming agricultural land uses. A. Nonconforming agricultural land uses shall be exempt from the provisions of Section 17.58.020; B. Notwithstanding Section 17.58.010, nonconforming agricultural uses may be enlarged or increased, provided the use shall not be extended to occupy a greater area than occupied by the agricultural use at the time it became nonconforming; C. Nonconforming agricultural uses shall not be changed to another agricultural use unless prior written approval is secured from the Director. (Ord. 3225 § 17, 2013)

17.58.030 Reversion to prior nonconforming use. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use. (Ord. 1229 § 2 (part), 1982).

17.58.040 Repairs, maintenance and structural alterations. Such repairs and maintenance work required to keep a nonconforming structure in sound condition may be made to the structure. No structural alterations may be made to a nonconforming structure except those required by law or as provided in sections 17.58.010 or 17.58.080. (Ord. 3136 § 5, 2010; Ord. 1229 § 2 (part), 1982).

17.58.050 Restoration, reconstruction, or replacement. Any nonconforming structure damaged by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or act of God may be restored, reconstructed, or replaced (in the same location without an increase in height, or size over its previous area, except as provided in

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sections 17.58.010 or 17.58.080) and used as before such happening, provided such reconstruction is commenced within two years of such happening. Any nonconforming structure that is in a dilapidated state or is functionally obsolete may be restored, reconstructed, or replaced (in the same location without an increase in height, or size over its previous area, except as provided in sections 17.58.010 and 17.58.080) provided the use of the structure has not ceased for a period of eighteen months. (Ord. 3136 § 6, 2010; Ord. 1229 § 2 (part), 1982).

17.58.060 Applicability. The provisions of this chapter shall apply to buildings and uses made nonconforming by a change in the zoning district in which such uses or buildings are located. (Ord. 1229 § 2 (part), 1982).

17.58.070 Continuation of work already in progress. Nothing contained in this chapter shall require any change in the overall layout, plans, construction, size, or designated use of any development, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of this title. (Ord. 1229 § 2 (part), 1982).

17.58.080 Uses recognized by general plan. All land uses, except those related to the development of mineral resources, which were in existence at the time of adoption of the 1980 Tuolumne County General Plan on August 26, 1980, although such use did not conform to the regulations of the zoning district in which the use is located, are declared to be nonconforming uses and subject to the provisions of this Chapter except as provided herein. For purposes of applying section 17.58.010 to these uses, the Adate of this title@ shall mean August 26, 1980. The total floor area under one roof of a structure, the use of which is nonconforming for any cause other than setbacks, may be extended or enlarged by no more than 10% of the floor area under one roof in existence on August 26, 1980, as established in the records of the Tuolumne County assessor=s office or community development department. Vested rights related to the development of mineral resources shall be determined in accordance with the Surface Mining and Reclamation Act of 1975, as amended, and Chapter 8.20 of this code. Any legal parcel of land of record on the date of adoption of the 1996 General Plan on December 26, 1996, which does not meet the minimum parcel size specified herein for its zoning district may be used as a building site

Letter 04	The Quartz and Stent Communities No Date

O4-1 This comment is regarding the proposed land use changes in the Stent/Quartz area. This comment is noted and included in the record for consideration during the public hearing. Master Response 1 specifically addresses the issues raised in this comment.

Letter 05

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October 10, 2018

Via E-Mail

Quincy Yaley
Tuolumne County Community Resources Agency
2 South Green Street
Sonora, CA 95370
E-Mail: qyaley@co.tuolumne.ca.us

Re: Draft Recirculated Environmental Impact Report for the Tuolumne County General Plan Update Project

Dear Mr. Yaley:

Shute, Mihaly & Weinberger LLP submits these comments on the Tuolumne County General Plan Update Draft Recirculated Environmental Impact Report (DREIR) on behalf of the Central Sierra Environmental Resource Center (CSERC). Our review of the DREIR reveals serious violations of the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 et seq.) and CEQA Guidelines (California Code of Regulations, title 14 § 15000 et seq.).

This General Plan Update will determine the shape of growth in Tuolumne County for decades to come. It will guide protection of the County's precious environmental resources, conservation and development of new housing, development of infrastructure, and other critical land use decisions. Thus, decisionmakers and the public need to make crucial decisions regarding the General Plan based on robust information, not on a narrow, pro-development version of the facts. 05-1

CSERC staff has participated actively in various General Plan revision committee meetings, public open house sessions, and workshops presented for County officials and interested County residents. During those opportunities for input, CSERC emphasized that strengthening General Plan protection for natural resources, open space, water resources, scenic values, and air quality would provide long-term benefits for the

Quincy Yaley
October 10, 2018
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local economy and for scenic values tied to tourism. Nonetheless, County officials and building industry interests have advocated for weakening any conservation policies that exceed the absolute minimum requirements mandated by state and federal law. This focus on minimizing protective measures is reflected in the proposed General Plan Update and the DREIR. Indeed, in many instances, the proposed General Plan Update weakens the protections afforded by the existing Plan. As evidenced by the numerous admitted significant unavoidable impacts, the Update will create long-term environmental damage, affecting residents and future generations throughout the region. O5-1 cont.

The EIR is "the heart of CEQA." *Laurel Heights Improvement Ass'n v. Regents of University of California* (1988) 47 Cal.3d 376, 392 (citations omitted) (*Laurel Heights I*). It is an "environmental 'alarm bell'" that alerts the public and responsible officials to environmental changes before they reach "ecological points of no return." *Id.* (citations omitted). The EIR is also intended to hold public officials accountable by "demonstrat[ing] to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." *Id.* (citations omitted).

Where, as here, an EIR fails to fully and accurately inform decision-makers, and the public, of the environmental consequences of proposed actions, it does not satisfy its basic goals. Pub. Resources Code § 21061 ("The purpose of an [EIR] is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project."). O5-2

Our comments on the Notice of Preparation of the EIR and the initial Draft Environmental Impact Report published in 2016 urged the County to complete a robust environmental review of the General Plan Update and to analyze alternatives that promote conservation and rural values. The DREIR fails to do either.

As set forth in more detail below, it is our opinion that the DREIR does not comply with the requirements of CEQA. In numerous instances, the DREIR fails to thoroughly assess the impacts deemed to be significant and unavoidable or to identify all feasible mitigation measures to reduce the severity of the impacts. It also fails to fully analyze potentially significant effects and to consider any alternatives that could reduce the significant environmental impacts of the General Plan Update.

The pervasive flaws in the document demand that the County revise and recirculate the DREIR to provide the public an accurate assessment of the environmental

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issues at stake, and a mitigation strategy—developed *before* General Plan approval—that fully addresses the significant impacts of the proposed General Plan Update. 05-2 cont.

I. The DREIR's Development Scenario in the Project Description and Impact Analysis Is Misleading and Unlawful.

The DREIR analyzes the impacts of the General Plan under "foreseeable growth" or "projected development." DREIR at 2-8.

> [T]his 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. But the County's analysis in this EIR also 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 fact, the term "buildout," when used in this EIR, refers only to projected development that would occur by 2040.

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DREIR at 2-8. This approach is unlawful and is misleading because it underestimates the impacts of the General Plan as proposed.

A. CEQA Requires that the DREIR Analyze the Potential Impacts of the Development as Permitted Under the General Plan.

Courts have consistently held that an EIR must examine a project's *potential* to impact the environment, even if the development may not ultimately materialize. *Bozung v. Local Agency Formation Comm'n*, 13 Cal. 3d 263, 279, 282 (1975). Because general plans serve as the crucial "first step" toward approving future development projects, a general plan EIR must evaluate the amount of development actually allowed by the plan. *City of Carmel-By-the-Sea v. Bd. of Supervisors of Monterey County*, 183 Cal. App. 3d 229, 244 (1986); *City of Redlands v. County of San Bernardino*, 96 Cal. App. 4th 398, 409 (2002). Thus, an agency may not avoid analysis of such development merely because historic and/or projected land use trends indicate that the development might not occur. *Citizens for a Sustainable Treasure Island v. City and*

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County of San Francisco (2014) 227 Cal.App.4th 1036, 1053, fn. 7 ("[T]he agency preparing the EIR should compare the existing environment . . . with the total amount of development permitted under the proposed plan.")

In *San Joaquin Raptor Rescue Center v. County of Merced*, 149 Cal. App. 4th 645 (2007), the Court of Appeal confirmed an agency's obligation to describe and analyze the impacts from the whole project, and "not some smaller portion of it." *Id.* at 654. The project at issue in *San Joaquin Raptor* was a new Conditional Use Permit ("CUP") for an existing aggregate mine and processing operation. The new CUP authorized a maximum production level of 550,000 tons per year, which was an increase over existing levels. However, historic mine production rates indicated that actual production could be less than the theoretical maximum. Based on historic rates and projected future rates, the EIR "estimated average production of about 260,000 tons per year." *Id.* at 655. The court held that the EIR's identification of the estimated average in the project description, rather than the maximum level of production authorized by the CUP, violated CEQA. The court stated: "By giving such conflicting signals to decisionmakers and the public about the nature and scope of the activity being proposed, the Project description was fundamentally inadequate and misleading." *Id.* at 655-56.

O5-3 cont.

The Court of Appeal in *Stanislaus Natural Heritage Project v. County of Stanislaus*, 48 Cal. App. 4th 182 (1996), reached a similar conclusion in a slightly different context. The county argued that an EIR can avoid providing a full analysis of water supply for future phases of a proposed development project because the EIR included a mitigation measure that would prevent development of those future phases until a water supply had been identified. The court rejected this argument and held that a lead agency must assume that a project will be developed *as planned* and must evaluate the impacts of the *planned* project, not a potential, more limited project. *Id.* at 205-06.

The DREIR attempts to justify its failure to describe and analyze the entirety of the General Plan by stating that "[f]ull buildout of every parcel in the County is not foreseeable." DREIR at 2-8. The County has taken the "foreseeable" language from the definition of project under the CEQA Guidelines but has misinterpreted its meaning. Under CEQA, a project means "*the whole of an action*, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment . . . ." CEQA Guidelines § 15378(a) (emphasis added). "Reasonably foreseeable" describes the likelihood of indirect impacts; it does not suggest that an EIR need only evaluate the "reasonably foreseeable" aspects of a project. Rather, it makes clear that a project is a "whole of an action."

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Here, the whole of the action is the level of development permitted under the General Plan Update, both the amount of development possible due to the net change in land use types, as well as the development of currently undeveloped parcels whose general plan land use designation is not changing but could be developed. If the County would like to limit its analysis to a predicted amount of growth, it must also limit the allowable development to that lower level by placing those restrictions in the General Plan itself.

B. By Improperly Describing the Project as the Development Projection, the DREIR Underestimates the Extent of the General Plan Update's Impacts.

As explained above, the *Project* that must be described and analyzed in the DREIR is the full buildout of all land use designations, not the "projected growth." The importance of this distinction is not merely theoretical. As it stands now, the DREIR does not even discuss how much development would occur under full buildout. Because the DREIR improperly fails to assume development as allowed under the General Plan, it significantly underestimates the Project's impacts.

Accordingly, the DREIR is fundamentally misleading to the public and decisionmakers, in violation of CEQA. "[O]nly through an accurate view of the project may the public and interested parties and public agencies balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives." *City of Santee v. County of San Diego*, 214 Cal. App. 3d 1438, 1454 (1989). Thus, because the DREIR fails to describe the Project properly, it fails to serve its purpose as an informational document. *See San Joaquin Raptor Rescue*, 149 Cal. App. 3d at 674. O5-3 cont.

In the limited places where it mentions the Full Buildout, the DREIR's analysis of impacts under the Full Buildout is purely perfunctory. The DREIR makes no attempt to quantify the impacts on agriculture, air quality or any other impact area under the full buildout despite the fact that this scenario is *the Project*. Moreover, the DREIR never identifies new or different mitigation measures to lessen the more significant impacts that will occur under the full buildout, as compared to the "projected development."

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C. The DREIR's Explanation of the Distinctive Communities Growth Scenario Is Misleading.

The DREIR states the Distinctive Communities Growth Scenario supports each community containing "a well-defined, cohesive, and compact community built around an appropriately scaled community core and community gathering places." DREIR at 2-3. It then uses this Scenario to support its numerous contentions that the majority of the development will occur in these identified communities and will therefore have fewer impacts. *See* DREIR at 2-6; 3.1-16 ("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"); 3.2-16 ("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."); 3.2-21; 3.4-30; 3.4-32; 3.4-37; 3.4-40; 3.8-26; 3.8-35; 3.9-24; 3.16-33; 5-2; etc. Further, the reliance on the identified communities undermines the General Plan Update's Growth-Inducing Impacts analysis. The DREIR states that "within the General Plan Update, each identified community contains a well-defined, cohesive, and compact community built around an appropriately scaled 'urban' core and community gathering places. The size of each community is based on a community boundary." DREIR at 5-2. However, as discussed, these boundaries were created arbitrarily and do not align with any sort of "urban" core. The General Plan Update includes many examples of land use designations increasing the allowable development on certain parcels far from what could be considered an "urban" core. As one example, Parcel Number 05850001 is nowhere near a community and yet it is re-designated from rural residential to high density residential. 05-4

The issue is that the DREIR's explanation of how the identified communities were arrived at is misleading. The DREIR makes it appear that the identified communities were defined through a well-considered process. However, the planning staff created the boundaries for the communities in an arbitrary fashion. For example, the boundary that was defined for the Columbia Area Planning Commission went miles outside of Columbia itself, way farther than anything that could ever be considered a "well-defined, cohesive, and compact community." *See* DREIR at 2-3. One of the main purposes for this large area was so that the Columbia Commission would have the ability to address any entitlement that might need to be changed or added for the Blue Mountain Minerals operation, which encompasses hundreds of acres. Since the Columbia Area Planning Commission boundary pre-existed the Blueprint project, Planning Staff recommended adopting this boundary to be used as a "defined community" area. There was no understanding or assumption that those boundaries in

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any way "contains a well-defined, cohesive, and compact community built around an appropriately scaled community core and community gathering places." DREIR at 2-3.

The identified community boundaries relied upon in the DREIR and incorrectly described were not officially adopted boundaries that can be used in this way. There has been no official designation or anything resembling a CEQA process applied in their construction or use prior to this proposed project. O5-4 cont.

II. The Land Use Changes Are Not Properly Described or Analyzed in the Project Description and Will Lead to Unmitigated Sprawl Development.

An indispensable component of a complete assessment of project impacts is an accurate depiction of existing environmental conditions. Investigating and reporting existing conditions are "crucial function[s] of the EIR." *Save Our Peninsula Comm. v. Monterey County* (2001) 87 Cal.App.4th 99, 122 ("*SOPC*"). "[W]ithout such a description, analysis of impacts, mitigation measures and project alternatives becomes impossible." *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 953. Decisionmakers must be able to weigh the project's effects against "real conditions on the ground." *City of Carmel-by-the-Sea*, 183 Cal.App.3d at 246. "Because the chief purpose of the EIR is to provide detailed information regarding the significant environmental effects of the proposed project on the physical conditions which exist within the area, it follows that the existing conditions must be determined." *SOPC*, 87 Cal.App.4th at 120 (internal quotation marks omitted). O5-5

The DREIR properly compares the existing and projected land use acreage under the General Plan Update—comparing the 1996 General Plan Acreage with the General Plan Update Acreage and then calculating the net change. DREIR at 2-6. This is a necessary piece of information, but it fails to paint an accurate picture of land use in the County or to accurately describe the baseline.

The DREIR must also include the existing *developed* acreage broken down by land use type that currently exists in the County—for example, while 11,127 acres under the 1996 General Plan are designated for low density residential development, not all of these 11,1227 acres are so developed. *See* DREIR at 2-6. But, to analyze full buildout as discussed above, the baseline must be the actual development existing in the County now, not the amount of development that may be possible. *See Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 321 (district erred in using the maximum permitted operational levels as a baseline rather than the actual operational levels). "[T]he impacts of a proposed project are ordinarily to be compared to the actual environmental conditions existing at the time of CEQA

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analysis, rather than to allowable conditions defined by a plan or regulatory framework . . . [T]he baseline for CEQA analysis must be the 'existing physical conditions in the affected area' . . . that is, the 'real conditions on the ground' . . . rather than the level of development or activity that *could* or *should* have been present according to a plan or regulation." *Id.*

While Table 2-3 may show the number of existing dwelling units and square footage of commercial and industrial development in 2015, it does not break down the acreage that this development exists on to accurately understand how much acreage is still available for development under a full buildout scenario. *See* DREIR at 2-7. Here, the County's failure to analyze the amount of development that exists currently as the baseline and to disclose the amount of undeveloped acreage that exists but is available for development and to then compare that to the maximum amount of development allowed under the General Plan Update vastly underestimates the environmental impacts. O5-5 cont.

Finally, the County is approaching the land use changes backwards. In one section, it states that the changes proposed "are almost exclusively built around conforming the land use map to underlying zoning." DREIR at 5-1; *see also* DREIR at 2-6 (General Plan Update changes were made "to match the current zoning designation"). However, the General Plan is the "charter to which the ordinance must conform." *Lesher Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal. 3d 531, 540-41. It is the zoning ordinance that must be brought into compliance with the General Plan. *Id.* The reason the zoning is inconsistent is because the 1996 General Plan restricted some development on certain parcels and the County never brought its zoning ordinance into compliance during the last 22 years—a violation of state law. To now allow the zoning ordinance to dictate the General Plan Update's Land Use Map and designations turns planning law on its head. O5-6

III. The DREIR Inadequately Analyzes Alternatives to the Proposed Update.

Analysis of alternatives lies at the "core" of an EIR. *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564. CEQA's central mandate is that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." *Berkeley Keep Jets Over the Bay Com. v. Bd. of Port Comrs.* (2001) 91 Cal.App.4th 1344, 1354 (quoting Pub. Resources Code § 21002); CEQA Guidelines § 15126.6(b). Indeed, courts have repeatedly emphasized that the purpose of an EIR includes identification of alternatives to the project. *Watsonville Pilots Assn. v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1089. "Without meaningful O5-7

analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process." *Laurel Heights I*, 47 Cal.3d at 404.

An EIR therefore must analyze a "reasonable range" of alternatives to the proposed project. CEQA Guidelines § 15126.6(a); *Laurel Heights I*, 47 Cal.3d at 404. To be "reasonable," these alternatives must provide enough variation from the proposed project "to allow informed decisionmaking" regarding options that would reduce environmental impacts. *Laurel Heights I*, 47 Cal.3d at 404-05. Courts have repeatedly invalidated EIRs where, as here, they fail to analyze feasible alternatives that could reduce a project's primary, significant impacts. *See, e.g.*, *Watsonville Pilots*, 183 Cal.App.4th at 1089-90 (EIR deficient for failing to include reduced development alternative that would avoid or lessen growth-related significant impacts); *Habitat & Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1285, 1305 (invalidating EIR that failed to discuss any feasible alternative that would lessen the project's water supply impact).

The County must carefully consider alternatives, because the proposed Project would, at a minimum, result in Class I (significant/unavoidable) impacts to agricultural resources, cultural resources, global climate change, noise transportation and circulation, and cumulative impacts. DREIR at 6-2 to 3. The DREIR's analysis of alternatives is insufficient under CEQA, because the document does not incorporate feasible alternatives that would reduce these significant impacts to a less than significant level. CEQA Guidelines § 15126.6(c); *Citizens of Goleta Valley*, 52 Cal.3d at 566. Worse, all of the alternatives propose the same number or more of dwelling units and commercial square footage. DREIR at 6-5. Not a single alternative reduces the scale of development. DREIR at 6-5. This runs directly against CEQA's mandate. The County has structured its General Plan Update goals so that *any* land use restrictions conflict with the Project's objectives and thus dismissed any alternatives that reduced development or promoted conservation. DREIR at 6-4. O5-7 cont.

A. The Alternatives in the DREIR Were Set Up to Fail.

The DREIR states the General Plan Update "has been formulated to reflect" the "Distinctive Growth Scenario." DREIR at 2-3. "Under this scenario, no changes to land use designations would be made that reduce allowable density on any parcels (i.e., down-zone), and development outside communities would continue to be allowed in the rural areas of the County." DREIR at 2-4.

Three of the six total alternatives are "growth scenarios identified through the Tuolumne Tomorrow Regional Blueprint process." DREIR at ES-3. These three

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appear to have been crafted in a manner that would ensure their rejection for failure to meet the projects objectives. Since these alternative scenarios were already rejected in the Blueprint process, this circular approach meant that each scenario would be improperly "rejected out of hand" in the DREIR's alternatives analysis, precisely because it is not the distinctive communities growth scenario embodied by the Project. *See N. Coast Rivers All. v. Kawamura* (2015) 196 Cal.Rptr.3d 559, 574; DREIR at ES-3.

The DREIR now includes three additional alternatives based on comments received during the initial circulation of the Draft EIR: "Historic Structure Preservation" and "Williamson Act Property Preservation" and "Modified Public Services." ES-4. However, it rejects all three of these alternatives as restricting development and thereby not meeting Project objectives. DREIR at 6-21, 6-23, 6-28. However, as noted above, none of these alternatives actually diminishes development to a less than significant level. DREIR at 2-4.

O5-7 cont.

The DREIR rejected out of hand any alternatives which would actually reduce the impacts of the Project to a less than significant level. DREIR at 6-4 to 5 (rejecting without further evaluation a reduced development alternative, an existing capacity alternative, and a conservation alternative). Additionally, the County rejected the conservation alternative because it incorrectly concluded (discussed further below), that General Plan Update does not have significant impacts on biological resources.

Given that no alternatives consider any different development alternatives, this is not the "reasonable range" of alternatives that CEQA requires. *See Watsonville Pilots*, 183 Cal.App.4th at 1089-90.

B. The DREIR Must Analyze Alternatives that Could Reduce Impacts.

The DREIR must consider alternatives that could actually lessen the significant impacts of the General Plan Update. *Berkeley Jets*, 91 Cal.App.4th at 1354; *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 409 ("an evaluation of a first phase-general plan amendment must necessarily include a consideration of the larger project, i.e., the future development permitted by the amendment"). The County cannot be relieved of its obligation to conduct comprehensive environmental review simply because the County prefers a certain approach to development. *See N. Coast Rivers*, 196 Cal.Rptr.3d at 575 (invalidating a program EIR because an "artificially narrow" objective precluded consideration of alternatives). The DREIR provides no reasonable explanation as to why alternatives that could reduce the inevitable damage from the General Plan Update were not proposed. Because the DREIR fails to analyze *any* potentially feasible alternative that could avoid or lessen significant

impacts through reduced development, it fails to comply with CEQA. *Habitat and Watershed Caretakers*, 213 Cal.App.4th at 1305. *See also* CEQA Guidelines § 15126.6(b); *Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866, 884-85 (agency failed to demonstrate that a suggested alternative was infeasible).

A reasonable and informative range of alternatives would include alternatives that could reduce the significant impacts to agricultural resources, recreation, and transportation and circulation (as well as any other significant impacts that would have been identified in the DREIR if it complied with the requirements outlined below). Thus, the County must take steps to identify alternatives that will reduce the significant impacts of the General Plan Update.

Numerous potential alternatives could reduce the significant environmental impacts of the General Plan Update. The DREIR could consider an Existing Capacity Alternative that accommodates predicted growth without the growth incentives included in the proposed Land Use Element. The County currently has more than 8,000 vacant, buildable parcels that could accommodate projected growth without converting additional land for development. The DREIR also acknowledges that nearly a third of the dwellings in the County are vacant. DREIR at 3.13-1. The County could incorporate policies into the Land Use Element that prioritize "renovation and reuse of underused or vacant parcels, industrial sites, buildings, and shopping centers."[1] Instead, the current proposal strongly encourages development in certain areas, without seeking to fill the numerous empty and under-occupied structures in the County first. Such policies and incentives must be assessed in light of the existing environment, and an Existing Capacity Alternative could reduce the significant environmental impacts of the County's pro-urban development approach. O5-7 cont.

Finally, a Conservation Alternative that prioritizes protection of the area's resources and character when considering development proposals would reduce the impacts of the General Plan Update. In a Conservation Alternative, the protection of natural, agricultural, and cultural resources and recreational access would have high priority. This alternative would also require that new structures and improvements be integrated with the surrounding environment to the greatest possible extent to maintain the character of the community. While emphasizing protection of natural, agricultural, and cultural resources and recreation, a Conservation Alternative could also be designed to allow for appropriate growth and development within and adjacent to defined

[1] *See, e.g.*, Calaveras County 2014 Draft Land Use Element at LU19, *available at* http://calaverascap.com/wp-content/uploads/2011/06/2-Land-Use-12-18-14.pdf.

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"distinctive" communities. But a Conservation Alternative would not contain policies or implementation programs that reduce protection for oaks or biological resources. *See, e.g.*, DREIR at 3.4-35 (noting that "21,262 acres of oak woodland canopy are on potentially developable parcels"). Instead, a Conservation Alternative would contain disincentives for (or restrictions against) new subdivisions or parcels and development proposed in rural or agricultural areas. O5-7 cont.

Any of these alternatives would be environmentally superior to the proposed General Plan Update. *See* CEQA Guidelines § 15126.6(e)(2). The DREIR must address them. *See* CEQA Guidelines § 15126.6(a).

IV. The DREIR Fails to Identify and Analyze Potentially Significant Impacts.

Thorough identification and discussion of a proposed project's potential environmental impacts is a necessary first step in CEQA review. *See* CEQA Guidelines § 15126.2(a) ("An EIR shall identify and focus on the significant environmental effects of the proposed project."). Identification and assessment of impacts in an EIR must effectuate the fundamental purpose of CEQA: to "inform the public and responsible officials of the environmental consequences of their decisions before they are made." *Laurel Heights Improvement Assn. v. Regents of the University of California,* 6 Cal.4th 1112, 1123 (*Laurel Heights II*). To do so, an EIR must contain facts and analysis, not just an agency's bare conclusions. *Citizens of Goleta Valley*, 52 Cal.3d at 568.

An effect will normally be found significant if it exceeds a threshold of significance. CEQA Guidelines § 15064.7(a); *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109. However, a threshold cannot be used as an "automatic determinant" of significance and cannot "foreclose the consideration of other substantial evidence" that tends to show an effect might be significant. CEQA Guidelines § 15064.7(a); *Amador Waterways*, 116 Cal.App.4th at 1108-09. O5-8

The DREIR improperly concludes that some potentially significant impacts do not require mitigation, and it wholly neglects other potential impacts. The County must remedy these shortcomings by addressing all critical aspects of the General Plan Update, including probable environmental impacts associated with proposed updates to the Natural Resources, Land Use, and Agricultural Resources Elements.

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A. Impacts of the General Plan Update Must Be Analyzed in Detail *Now*.

CEQA requires a program EIR to provide in-depth analysis of a project, looking at effects "as specifically and comprehensively as possible." CEQA Guidelines § 15168(a), (c)(5). Indeed, because it looks at the big picture, a program EIR must provide "more exhaustive consideration" of effects and alternatives than can be accommodated by an EIR for an individual action. CEQA Guidelines § 15168(b)(1). It must consider "cumulative impacts that might be slighted by a case-by-case analysis." CEQA Guidelines § 15168(b)(2).

Further, it is only at this early stage that the County can design wide-ranging measures to mitigate County-wide environmental impacts. *See* CEQA Guidelines § 15168(b)(4) (program EIR "[a]llows the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility"). A program EIR is not a device to be used for deferring analysis of significant environmental impacts. *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 199. Rather, it is an opportunity to analyze impacts common to a series of smaller projects, in order to avoid repetitious analyses.

A general plan, as the "constitution for all future development," dictates the location and type of future development. *Endangered Habitats League, Inc. v. Cty. of Orange* (2005) 131 Cal.App.4th 777, 782. This means that an EIR for a general plan must take into account all of "the future development permitted by the [general plan]." *City of Redlands,* 96 Cal.App.4th at 409 (citation omitted). *See also City of Carmel-By-The-Sea v. Bd. of Supervisors* (1986) 183 Cal.App.3d 229, 245. O5-8 cont.

Thus, it is particularly important that the DREIR for the General Plan Update analyze the impacts of the full level of development it is authorizing now, rather than only superficially analyzing the amount of the development it has forecasted. Analyzing forecasted development vastly underestimates the significant impacts of development in the County. This General Plan Update would generally allow an increase in development throughout the County, and specifically encourage development in, as well as adjacent to, five known communities. GPU at 1-2; DREIR at 3.7-14 ("Encourage the siting of urban development either within or adjacent identified communities."). The "programmatic" nature of this DREIR nor the County's failure to consider the full buildout of the General Plan Update are no excuses for its lack of detailed analysis of these changes.

Indeed, the DREIR grossly misconstrues the requirements of a program EIR by repeatedly asserting that because the exact nature and location of the Plan's build-

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out are unknown, it is impossible to analyze the Plan's impacts in detail. *See e.g.*, DREIR at 1-6. For example, the DREIR attributes its insufficient analysis of special status species to its "programmatic-level." DREIR at 3.4-29. The County is potentially home to 177 special status species, whose sensitive habitat is "expected to be encountered" if development proceeds as permitted by the proposed General Plan Update. DREIR at 3.4-13, 3.4-33 (species include the threatened California red-legged frog and many protected nesting birds). The County is also home to critical habitat for eight species. DREIR at 3.4-13. The geographic location of the five specific communities targeted for development is known, and the DREIR acknowledges that impacts to special status species are most likely near the communities targeted for development, "where build-out is expected to occur within or adjacent to natural habitats such as at urban fringe areas." DREIR at 3.4-33. Nonetheless, the DREIR fails to provide detailed analysis of the populations of special status species near these communities. 05-8 cont.

The DREIR for the General Plan Update falls far short of the "exhaustive consideration" that CEQA requires in a program EIR. CEQA Guidelines § 15168(b)(1). It must consider all impacts to the County's special status species, habitats, and other County resources that "might be slighted by a case-by-case analysis." *See* CEQA Guidelines § 15168(b)(2).

B. The DREIR Improperly Relies on Unenforceable and Noncommittal General Plan Policies and Programs to Avoid Significant Impacts.

The lead agency must adopt any feasible mitigation measure that can substantially lessen the project's significant environmental impacts. Pub. Resources Code § 21002; CEQA Guidelines § 15002(a)(3). In doing so, the lead agency must "ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded." *Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261 (italics omitted). 05-9

Two major problems permeate the DREIR's analysis of potential mitigation measures. First, it conflates policies and programs from the General Plan Update with mitigation measures, and this results in failure to identify numerous potential significant environmental impacts. Second, many proposed measures are too vague to meet CEQA's mitigation requirements.

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1. The DREIR Must Not Substitute Proposed General Plan Policies and Programs for Mitigation Measures.

An EIR must "separately identify and analyze the significance of impacts . . . before proposing mitigation measures." *Lotus v. Dept. of Transportation* (2014) 223 Cal.App.4th 645, 658. When an agency folds discussion of mitigation into discussion of the project and impacts, this "subverts the purposes of CEQA," because it results in omission of "material necessary to informed decisionmaking and informed public participation." *Id.*

In *Lotus*, the court invalidated an EIR for a highway broadening project, because the agency failed to analyze mitigation measures separately from impacts. *Id.* The EIR identified the primary environmental impacts of the project as potential damage to structural root zones of redwood trees near Highway 101. *Id.* at 649. It also described "Avoidance Minimization and/or Mitigation Measures" that had been incorporated into the project. *Id.* at 650. The finding in the EIR that impacts were not significant was "explicitly premised on [those] mitigation measures." *Id.* at 651. "By compressing the analysis of impacts and mitigation measures into a single issue, the EIR disregard[ed] the requirements of CEQA." *Id.* at 656. The court refused to allow this practice, because when an EIR does not properly partition these issues, it "precludes both identification of potential environmental consequences arising from the project and also thoughtful analysis of the sufficiency of measures to mitigate those consequences." *Id.* at 658. O5-9 cont.

The DREIR for the General Plan Update violates the *Lotus* rule repeatedly. The project description states that "[w]here 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." DREIR at 3-3. Accordingly, the DREIR's conclusion that many impacts will not be significant are "explicitly premised" on General Plan policies that the DREIR claims will "reduce" environmental impacts, in direct violation of *Lotus*. *See* 223 Cal.App.4th at 651.

For example, in the discussion of impacts to special status species, the DREIR states that implementation of General Plan policies and programs "implementation of the General Plan Update's policies and implementation programs[] would reduce potential impacts of projected development under the General Plan Update" to a less than significant level. DREIR at 3.4-29. Rather than considering a full range of potential mitigation measures for impacts to species, the DREIR simply states, "[c]ompliance with existing federal and state regulations, and implementation of the General Plan Update policies and implementation programs to protect special-status

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species, particularly Policy 16.B.5, would ensure impacts to special-status species are less-than-significant." DREIR at 3.4-32. However, Policy 16.B.5 reads only: "Evaluate and mitigate impacts to biological resources in accordance with the requirements of State and Federal law." DREIR at 3.4-25. The implementation programs associated with this simply direct the County to maintain the Tuolumne County Wildlife Maps and provide these maps along with other maps and plans to project applicants and "[r]equire development that is subject to a discretionary entitlement from the County and to environmental review under the California Environmental Quality Act (CEQA) to evaluate potential impacts to biological resources and mitigate significant impacts." DREIR at 3.4-25. But compliance with CEQA and shared resources do not lessen the impacts on special status species since "[d]evelopment may also occur outside identified communities, despite policies that incentivize development within identified communities" where special status species are less likely to occur. DREIR at 3.4-30.

These are precisely the types of compressed conclusions that *Lotus* prohibits, because they lead to the omission of "material necessary to informed decisionmaking and informed public participation." *See* 223 Cal.App.4th at 656, 658. The revised DREIR must separately identify potential environmental impacts before analyzing possible mitigation measures.

O5-9 cont.

2. The DREIR Violates CEQA by Concluding Vague Mitigation Measures Will Suffice.

Further, mitigation measures proposed in an EIR must be "fully enforceable" through permit conditions, agreements, or other legally binding instruments that will ensure the measures are actually implemented—not merely adopted and then disregarded. Pub. Resources Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2); *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1186-87; *Federation of Hillside & Canyon Assns.*, 83 Cal.App.4th at 1261. In contrast, a general plan's goals and policies are frequently somewhat vague and aspirational. Thus, the County may only rely on General Plan policies and programs to mitigate environmental impacts under CEQA where they represent a firm, enforceable commitment to mitigate. *See Napa Citizens for Honest Gov. v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 358.

Here, the DREIR impermissibly cites vague, unenforceable, and noncommittal policies and programs as justifications for decisions to require no mitigation of potentially significant impacts. For example, the discussion of impacts to animal movement corridors in the Biological Resources analysis relies on policies and programs that "encourage," "discourage," "support," and "recognize" practices and

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require future CEQA review to conclude that the impact would be less than significant. DREIR at 3.4-40 to 3.4-41. The DREIR relies on these same vague and unenforceable policies to mitigate impacts on federally protected wetlands despite admitting that "[t]he locations, extent, and severity of potential disturbances to wetlands is not known at this time." DREIR at 3.4-38.

There are no mechanisms in place to ensure that these policies and programs will actually be implemented, so they cannot serve as CEQA mitigation. *See* Pub. Resources Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(3); *Anderson First*, 130 Cal.App.4th at 1186-87. O5-9 cont.

C. The DREIR Improperly Omits Discussion of Potentially Significant Impacts to Biological Resources from Reduced Conservation.

The DREIR also fails to comply with CEQA because it includes no analysis of the broad impacts of the County's proposal to abandon its current conservation policy. *See Inyo Citizens for Better Planning v. County of Inyo* (2009) 180 Cal.App.4th 1, 9-10 (environmental review required for changes to a general plan that would facilitate future development).

Tuolumne County is extremely rich in biological resources. As noted above, the County encompasses a multitude of natural habitats, including rare and endangered habitats, and supports a wide variety of wildlife and plant species, including many special status species. DREIR at 3.4-1 to 3.4-14. The County also sits within two Essential Connectivity Areas for wildlife and includes many smaller scale wildlife corridors. DREIR at 3.4-14. O5-10

The proposed re-write of the Biological Resources section of the Natural Resources Element, including its purpose, would reduce the County to a passive administrator of conservation activities. Not only will it weaken the mitigation tools and approaches available in the County, the shift itself will have environmental impacts that must be analyzed in the DREIR. In particular, the DREIR must address proposed removal of two Goals 4.J and 4.K in the current Biological Resources Element, as well as changes to the implementing policies and programs for these goals.

1. The DREIR Fails to Analyze Impacts of Removal of Goal 4.J.

In the current 1996 General Plan, Goal 4.J requires the County to "[e]mploy a proactive planning approach to conserve biological resources," and emphasizes the County's role in mitigation. 1996 GP at 4-19. The proposed Update would remove this

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goal entirely and replace the County's "proactive planning approach" with a "balanced approach" as its main purpose that encourages development. 1996 GP at 4-19; GPU at 16-1. The DREIR completely omits discussion of the impacts that will follow from this shift. The County's termination of key conservation programs under current Goal 4.J will leave project proponents, agencies, and the public with fewer tools for conservation of natural resources and mitigation. *See* 1996 GP at 4-19 to 4-22.

In particular, the Biological Resources Conservation Program and Tuolumne County Biological Resources Conservation Handbook (Wildlife Handbook) have served an important role in mitigation efforts in the County for decades. Since 1987, the County has allowed project applicants to select detailed mitigation options from the Wildlife Handbook, rather than hiring a biological consultant to develop mitigation measures. Those Wildlife Handbook mitigation options included a 20 percent Open Space permanent set-aside measure. Under that measure, the 20 percent of the parcel identified as including the most valuable wildlife habitat would be excluded from any habitat degradation, alteration, or future development. Based on reports provided at public meetings by County planning staff to County supervisors when revisions to the Conservation Program were proposed, the overwhelming majority of project applicants since 1987 voluntarily chose to permanently set aside valuable habitat on their parcels as their preferred mitigation measure. That option, as well as numerous other standardized options in the Handbook, resulted in permanent protection of wildlife movement corridors, riparian zones, old growth oaks, patches of highly limited valley oaks, and other ecologically important resources that were routinely protected in approved projects. **O5-10 cont.**

In contrast, projects that did not rely on the Wildlife Handbook to design mitigation, and instead engaged biological consultants, frequently relied upon consultants' opinions that development would not cause significant negative impacts to biological resources. Accordingly, in many situations, projects that did not use the Wildlife Handbook to guide mitigation ended up with fewer blocks of protected oak woodland habitat and fewer permanently preserved wildlife movement corridors.

While the General Plan Update references the Wildlife Handbook (see GPU at 16-6, Policy 16.B.6 and Implementation Program 16.B.k), it includes no requirement to maintain a Biological Resources Conservation Program (see 1996 GP at 4-20, Implementation Program 4.J.a).The elimination of existing policies to maintain the Conservation Program will leave a hole in the resources available for conservation planning and mitigation. *Compare* 1996 GP at 4-20 *to* GPU at 16-6. The loss of the Conservation Program has potential to lead to a significant decrease in permanent protection for important biological resources on properties brought forward for development. Additionally, the removal of explicit "no net loss" policies and programs

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from the Natural Resources section could lead to other environmental impacts. *See* 1996 GP at 4-19 to 4-22. The DREIR must analyze the impacts of these proposed changes.

Several new proposed policies and programs must also be discussed in the DREIR. Proposed policy 16.B.3 would require property owner consent for open space designations and zoning, and this requirement may impede mitigation efforts and undermine the County's ability to further conservation goals. *See* GPU at 16-4. The County has also proposed several policies and programs aimed at eradicating invasive species and use of native and drought tolerant species that require analysis. *See* GPU at 16-7 to 16-8. The DREIR mentions these policies and programs in the discussion of impacts to special status species, but it does not analyze the potential range of impacts that may follow from them. *See* DREIR at 3.4-31.

O5-10 cont.

2. The DREIR Fails to Analyze Impacts of Revised Goal 4.K.

The DREIR must also address impacts of the County's proposed elimination of voluntary and educational efforts to protect biological resources. The General Plan Update would remove Goal 4.K: "[e]ncourage and support voluntary and educational efforts to preserve biological resources." 1996 GP at 4-22. The elimination of this goal highlights the diminished attention to conservation that characterizes the proposed revisions throughout the Natural Resources section.

Specifically, the County's proposal to eliminate the Voluntary Conservation/Incentive Program that provided support for conservation efforts will likely have environmental impacts that must be analyzed. *See* 1996 GP at 4-22 to 4-23. Additionally, the elimination of public presentations and brochures addressing biological conservation and management will leave the County with less mitigation guidance, which may contribute to less effective and efficient mitigation measures. *See* 1996 GP at 4-23. These impacts must be analyzed in the DREIR.

3. The Redesignation of Agricultural Lands Must Be Considered as an Impact to Biological Resources.

O5-11

The General Plan Update re-designates 4,509 acres of Agricultural Land to more impactful developed uses. DREIR at 3.2-14. A total of 3,589 acres are re-designated to Estate Residential, Homestead Residential, Rural Residential, and Large Lot Residential and a total of 241 acres are re-designated to urban land uses including Low and Medium Density Residential. DREIR at 3.2-14. Agricultural lands are important resource areas for species and taking this much land for development must be analyzed for its impact to biological resources.

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Additionally, given the fact that absent conversion of agricultural land there is sufficient land designated in the 1996 General Plan for residential development to more than meet growth projections, this impact is totally avoidable and unnecessary. The State's projection for County growth shows that vacant parcels needed for new residences can be met many times over by vacant parcels already designated and zoned for such a need. O5-11 cont.

To adequately analyze impacts to biological resources, the DREIR must include not just lists of species habitats (DREIR Appx. B), but maps showing their locations (and migration corridors) in the County and textual explanations of the species' needs and their status—a discussion, that is, of how rare they are locally and overall, and how development under the General Plan might threaten them, including the re-designation of so much agricultural land to residential uses. Having established the baseline, the DREIR would then need to compare the locations of habitat and species to the locations of development, and to propose concrete, enforceable mitigation measures to protect any threatened resources. Of course, this analysis must look to the maximum densities allowed under the proposed General Plan in order to determine where development will affect biological resources. O5-12

D. The DREIR Underestimates the Air Quality Impacts from the Project.

The DREIR's analysis of air quality impacts is crippled by the same flaws that afflict the rest of this document: because the DREIR does not analyze the full buildout of the General Plan, and instead analyzes projected growth, the DREIR does not analyze the environmental consequences of proposed land uses on air quality. The emissions under full buildout must be disclosed and if above the thresholds of significance must be mitigated. O5-13

1. Segregating Construction and Operations Emissions Improperly Avoids a Finding of Significant Impact.

Even without analyzing the full buildout, the amount of development under the projected growth scenario would violate an existing air quality standard for reactive organic gases (ROG). The DREIR misstates the Tuolumne County Air Pollution Control District's (TCAPCD) specific thresholds for air quality impacts evaluated under CEQA. DREIR at 3.3-9. The DREIR says that the impact would be significant if the project would "result in construction or operations of a project that generated emissions in excess of the following thresholds . . . ROG – 1,000 pounds per day or 100 tons per year." DREIR at 3.3-9. However, the TCAPCD does not so segregate emissions and states simply: "A project would have a significant impact on air quality if . . . it would[] [r]esult O5-14

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in project-generated emissions in excess of the following . . . [ROG] – 1,000 lbs/day or 100 tons per year."[2]

The DREIR segregates construction emissions from operation emissions for ROG, finding that for construction the General Plan Update would result in 91 lbs/day maximum daily emissions or 7.88 tons/year annual emissions and that for operations, the Update would result in 991 lbs/day maximum daily emissions or 98 tons/year annual emissions. DREIR at 3.3-17 and 3.3-19. Combined construction and operational emissions of ROG would total 1,082 lbs/day or 105.88 tons/year. This is over the threshold of significance and is an impact that must be mitigated to a less than significant level if feasible. The DREIR does not explain or justify the choice to segregate construction and operational emissions and is therefore not supported by any evidence. O5-14 cont.

2. The DREIR Fails to Adequately Analyze the Project's Potential to Expose Sensitive Receptors to Substantial Pollutant Concentrations.

The DREIR makes no attempt to quantify the increase in toxic air contaminants (TAC) from buildout of the General Plan or even from projected development; instead it defers this analysis, suggesting that these emissions can be controlled at the local and regional level through permitting. DREIR at 3.3-22 ("[A]ll new development undergoing discretionary review would be required to evaluate existing TAC exposure and incorporate available reduction measures in accordance with TCAPCD requirements, if necessary."). CEQA does not allow an EIR to defer analysis and mitigation to a future time. *Sundstrom v. Mendocino County* (1988) 202 Cal.App.3d 296. A project's impacts must be analyzed, disclosed, and mitigated at the "earliest feasible stage in the planning process." *Id.* at 307; *see also* CEQA Guidelines § 15126.4(a)(1)(B) ("Formulation of mitigation measures should not be deferred until some future time."); *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 92-94.; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1396. Consequently, the DREIR must evaluate the increase in TAC emissions that would result from implementation of the General Plan and disclose the current levels of TAC emissions for a comparison. O5-15

Land uses that result in TAC exposures, particularly exposure to combustion-related diesel particulate matter (DPM), are not usually required to acquire

[2] Tuolumne County Air Pollution Control District, CEQA Thresholds of Significance, https://www.tuolumnecounty.ca.gov/DocumentCenter/View/1072/TCAPCD_Significance_Thresholds__2_?bidId.

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air quality permits. Therefore, lead agencies, such as the County, must take action to prevent or minimize health risk exposure, and cannot rely on future permitting, as the DREIR has attempted to do. Clearly, sound planning principles, along with CEQA's bar on deferred analysis, dictate that the appropriate context for addressing and eliminating these land use conflicts is during a comprehensive update of the General Plan, not at the project-specific level. O5-15 cont.

E. The DREIR Fails to Adequately Analyze and Mitigate the General Plan's Climate Change Impacts.

1. The DREIR Fails to Present an Accurate Representation of Climate Change Impacts Caused by the General Plan.

The DREIR provides insufficient detail regarding methodology and assumptions to determine whether the greenhouse gas ("GHG") analysis actually evaluates the Project's impacts. For example, the DREIR finds that the "projected daily VMT in the County for 2040, as shown in the traffic study and which incorporates projected development under the General Plan Update, would be 2,152,846." DREIR at 3.8-26. However, it does not analyze how this number could be reduced. The document never explains the relationship between the proposed Update, including the type and location of proposed land uses, and the emissions data from each type of use to allow the public and decisionmakers to determine whether the DREIR's emissions estimates reflect the proposed project. O5-16

The DREIR includes projected emissions from area, energy, mobile, waste, and water, but the DREIR's emission estimates provide no information regarding methodology and assumptions as to how the DREIR authors calculated the estimates. DREIR at 3.8-25. Nor does the DREIR provide current, baseline GHG emissions. The DREIR must answer the following questions: Which specific sources were considered in the calculation of energy GHG emissions? What is the current baseline of GHG emissions?

Other critical information missing from the DREIR relating to its energy-related GHG emissions projections includes the following: (1) the amount of water-related energy use assumptions (conveyance, water treatment, water distribution, and wastewater treatment); (2) the emissions from agriculture. The revised EIR must provide the necessary details regarding all sources of GHG emissions.

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2. The Update and DREIR Must Recognize that Sprawling Growth Undermines State Greenhouse Gas Reduction Goals.

The DREIR determines that the substantial increase in GHG emissions that would accompany implementation of the General Plan could conflict with the State's 2017 Scoping Plan and SB 32. DREIR at 3.8-27. The document correctly identifies this impact as significant. DREIR at 3.8-28. Yet the DREIR is entirely wrong when it concludes that this impact is unavoidable. The County has the ability to create and adopt a General Plan that advances the goals of AB 32, SB 32, the 2017 Scoping Plan, and SB 375, and this General Plan Update creates the opportunity to advance a sustainable land use and transportation planning agenda.

The General Plan Update and DREIR must recognize that uncontrolled, sprawling growth undermines the State's GHG reduction goals. Decentralized, low density land use development results in excessive reliance on the private automobile. Thus, GHG emissions will continue to rise despite technological advances, because the increase in driving is projected to overwhelm planned improvements in vehicle efficiency. While the DREIR states that annual emissions from mobile sources will actually decrease, it only reaches that conclusion by analyzing solely the projected development rather than the full buildout allowed under the General Plan Update. DREIR at 3.8-26. 05-17

Findings from the study entitled "Growing Cooler: The Evidence on Urban Development and Climate Change," show that "much of the rise in vehicle emissions can be curbed simply by growing in a way that will make it easier for Americans to drive less"—specifically, through compact development that can reduce driving by 20 to 40 percent.[3] Indeed, recognizing the unsustainable growth in driving, the American Association of State Highway and Transportation Officials, representing state departments of transportation, is urging that the growth of vehicle miles traveled *be cut in half. Id.* (emphasis added.) The projected growth under General Plan Update would increase the VMT by 17% or 323,192. DREIR at 3.8-26. Reducing rather than just slowing the growth of vehicle miles traveled, especially when many regions including the County are facing increases in population, is a daunting task. However, much of the rise in vehicle emissions can be curbed simply by managing land use in a way that makes it easier for people to drive less. *Id.* The Legislature and the people of California have

[3] Reid Ewing, Keith Bartholomew, Steve Winkelman, Jerry Walters, and Don Chen, *Growing Cooler: The Evidence on Urban Development and Climate Change* (Oct. 2007), https://www.nrdc.org/sites/default/files/cit_07092401a.pdf.

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decided that this state must move toward sustainable growth. The County's insistence on working against this goal is unjustifiable.

3. The DREIR's Approach to Climate Change Mitigation Is Utterly Deficient.

The County takes a step in the right direction by planning to develop a Climate Action Plan (CAP) as an implementation measure to reduce the substantial increase in GHG emissions that would accompany implementation of the General Plan Update. DREIR at 3.8-27. Unfortunately, this plan has yet to be developed and cannot be analyzed. "The purpose of an environmental impact report is . . . to list ways in which the significant effects of such a project might be minimized . . . ." CEQA § 21061. The Supreme Court has described mitigation as part of the "core" of an EIR. *Citizens of Goleta Valley v. Bd. of Supervisors of Santa Barbara County* (1990), 52 Cal.3d 553, 564. It is important to note that the DREIR's obligation to identify mitigation is not diminished just because no available mitigation reduces the impact all the way to a less-than-significant level. Any measure that will reduce the severity of the impact is still useful, and still must be identified and analyzed. CEQA Guidelines § 15126.4(a)(1); *cf. Santiago County Water Dist. v. Orange County* (1981) 118 Cal.App.3d 818, 831.

Many of the policies and programs listed as proposed mitigation in the DREIR for the CAP include terms like "foster," "improve," "incentivize," and "expand." *See* DREIR at 3.8-28. The entirety of the analysis and mitigation is improperly deferred. Specifically, the DREIR and the yet to be developed CAP provide inadequate commitment to substantive, enforceable climate change mitigation and protection, and fail to provide mechanisms to ensure that climate change mitigation will endure and evolve, as appropriate, across the 20-year project lifespan. A "program" or "first tier" EIR is not a device to be used for deferring the analysis of significant environmental impacts. *Stanislaus Natural Heritage Project*, 48 Cal.App.4th at 199. Therefore, policies that call for investigating and supporting must be modified to actually require the implementation of the policies' programs. 05-17

In essence, we can find no evidence that the County is seriously committed to offsetting the substantial increase in GHG emissions that would result from implementation of the General Plan. Additional actions to reduce GHG emissions have been demonstrated to be feasible. The *Model Policies for Greenhouse Gases in General Plans* offers numerous potential mitigation measures and the County should adopt this

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framework to adequately mitigate GHG emissions.[4] There are many additional resources available to the County with model policies directed at the creation of GHG Reduction Plans or Climate Action Plans and mitigation measures.[5] The County must examine these resources and either adopt these suggested policies using the powers the County has to enact ordinances and control development characteristics or explain why adoption is infeasible.

O5-17 cont.

The reduction measures themselves must be "coupled with specific and mandatory performance standards to ensure that the measures, as implemented, will be effective." *Communities for a Better Environment*, 184 Cal.App.4th at 94. And the Plan must include "a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels." CEQA Guidelines § 15183.5(b)(1)(e). Finally, the DREIR should include a mandated time frame for completion of the plan of no more than one year from the publication of the final EIR.

4. The General Plan Update Violates the Regional Welfare Doctrine.

O5-18

The state has clear statewide goals tied to SB32. The County's Update openly conflicts with those goals. Additionally, the proposed General Plan disregards the cooperative, regional approach to climate change called for in Senate Bill 375 and Assembly Bill 32. Both bills require state and local governments to work together to reduce the State's greenhouse gas emissions. After all, if the State is to meet its goals of reducing greenhouse gas emissions, any increase in emissions created by the proposed Plan must be offset (and then some) by reductions in other jurisdictions. The proposed General Plan, however, would admittedly result in increased emissions by allowing sprawling development, which increases vehicle miles traveled. This antiquated approach

[4] California Air Pollution Control Officers Association, *Model Policies for Greenhouse Gases in General Plans*, June 2009, http://www.ca-ilg.org/sites/main/files/file-attachments/resources__CAPCOA_Model_Policies_for_Greenhouse_Gases_in_General_Plans_-_June_2009.pdf.

[5] Office of Planning and Research, *Climate Change Designing Healthy, Equitable, Resilient, and Economically Vibrant Places*, http://www.opr.ca.gov/docs/OPR_C8_final.pdf; *Climate Action Resource Guide For Local Governments*, https://coolcalifornia.arb.ca.gov/sites/coolcalifornia.org/files/CARG_08_31_17_0_0.pdf. California Air Pollution Control Officers Association, *Model Policies for Greenhouse Gases in General Plans*, June 2009, http://www.ca-ilg.org/sites/main/files/file-attachments/resources__CAPCOA_Model_Policies_for_Greenhouse_Gases_in_General_Plans_-_June_2009.pdf; Institute for Local Government, *Sustainability Best Practices Framework*, https://www.ca-ilg.org/sites/main/files/file-attachments/sustainability_best_practices_framework_7.0_version_june_2013_final.pdf.

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to planning puts the desires of the County—i.e., revenue from urban development in unincorporated areas—ahead of the regional and indeed global interests caused by these increased emissions. Moreover, it places the burden of reducing the State's emissions on other jurisdictions.

This would result in a violation of the Regional Welfare Doctrine. Under the California Constitution, a public agency must adequately consider and address the welfare of the entire region—not just the area within its own jurisdictional boundaries—when exercising its police power. *See Northwood Homes, Inc. v. Town of Moraga* (1989) 216 Cal.App.3d 1197, 1201 (citing *Associated Home Builders of the Greater Eastbay, Inc. v. City of Livermore* (1976) 18 Cal.3d 582; *Lee v. City of Monterey Park* (1985) 173 Cal.App.3d 798, 803-804; *Arnel Development Company v. City of Costa Mesa* (1981) 126 Cal.App.3d 330, 336. If the County were to approve the proposed General Plan, it would turn a blind eye to the General Plan's significant regional and statewide consequences, in violation of this constitutional mandate. 05-18 cont.

F. The DREIR Fails to Adequately Analyze and Mitigate the Project's Impacts to Energy.

1. The DREIR's Discussion of Building Energy Lacks Rigorous Analysis.

The DREIR fails to quantify the Project's increase in building-energy impacts. DREIR at 3.6-19 (disclosing the "energy consumption associated with 2040 projected development under the General Plan Update" but not disclosing the current baseline). Even though construction and operation of the Project would greatly increase electricity and natural gas consumption, the DREIR concludes that the Project would not involve inefficient, wasteful and unnecessary use of energy and would therefore involve a less than significant impact. DREIR at 3.6-20. The DREIR lacks the evidentiary basis for this conclusion. 05-19

Agencies have long relied on existing energy-reduction requirements in building codes, and on the beneficial side effects of reducing greenhouse gases, to demonstrate that a project's energy use will not be wasteful or inefficient. That approach is no longer sufficient under CEQA, however. *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 211. EIRs must quantify the energy impacts of proposed projects. *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256, 263-64. The impact is impossible to understand if the baseline is not also disclosed. Additionally, this DREIR improperly relies solely on building standards

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and unenforceable General Plan policies to find no unnecessary or wasteful use of energy, concluding:

> The General Plan Update includes numerous policies and implementation programs that would reduce building energy consumption and increase renewable energy usage through enforcement of Green Building Standards and public information (i.e., Policy 2.F.2), which results in reduced propane and electricity consumption; *encouragement* of installing renewable energy generating facilities (i.e., Policy 2.F.3; Policy 6.E.5; Policy 18.A.6), which would increase the percentage of electricity that is derived from renewable resources and thus reduce fossil fuel–based electricity; development and *encouragement* of water conservation (i.e., Policy 14.B.1 and 14.B.2), which reduces the electricity demand for water treatment and distribution; development of a wood-burning device replacement program (i.e., Policy 15.C.1), which would reduce the amount of wood fuel needed for heating and replace that fuel with a more energy-efficient and cleaner resource such as electricity; and other energy efficiency strategies (i.e., Policy 18.A.5).

O5-19 cont.

DREIR at 3.6-19 to 20 (emphasis added).

The DREIR fails to quantify the "before" and "after" energy requirements of the proposed Update, and thus makes it impossible for the public and decisionmakers to determine if the increase is reasonable and will not result in inefficient or wasteful use of energy.

The DREIR must discuss potential mitigation measures to decrease the reliance on fossil-fuel sources. These possible mitigation measures include, but are not limited to, those outlined in Appendix F, section II.D. In addition, the Institute for Local Government has compiled a "best practices" guide to increase renewables in both new and existing construction, as well as increase energy efficiency overall.[6] In addition, the California Air Pollution Control Officers Association's *Model Policies for Greenhouse*

[6] Sustainability Best Practices Framework , Institute for Local Government, https://www.ca-ilg.org/sites/main/files/file-attachments/sustainability_best_practices_framework_7.0_version_june_2013_final.pdf.

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Gases in General Plans includes sections on Alternative Energy Policies and Energy Efficiency Policies.[7] The County must review these suggested policies and either adopt them or explain why adoption is infeasible. And the DREIR must discuss "why certain measures were incorporated in the project and why other measures were dismissed." CEQA Guidelines, Appx. F § II.D.1.

Finally, the DREIR fails to discuss "[t]he effects of the project on local and regional energy supplies and on requirements for additional capacity" is inadequate. *See* CEQA Guidelines, Appx. F § II.C.2. Because no baseline energy consumption was disclosed, it is impossible to know if the buildout of the General Plan Update will require additional capacity. If additional capacity is required, this is an impact that must be mitigated. The effects of this building and procurement must be analyzed and mitigated—ideally with mitigation controlled by the County and aimed at reducing consumption of electricity.

2. The DREIR Fails to Quantify the Increase in Construction-Energy Impacts.

As noted above, EIRs must quantify the energy impacts of proposed projects. *Ukiah Citizens for Safety First*, 248 Cal.App.4th at 263-64. The DREIR makes no attempt to quantify the energy-impacts from the massive buildout proposed under the Update by comparing the baseline to the projected amount of energy used for construction. *See* DREIR at 3.6-17. It points to no policies designed to reduce construction-related energy consumption and instead states: "Construction contractors are financially motivated to complete construction projects in an efficient manner to meet project schedules and minimize cost. Thus, it would not be typical for fuel to be consumed in a wasteful manner during construction of the projected development under the General Plan." DREIR at 3.6-17. Reliance on the frugality of contractors does not meet the requirements of Appendix F of the CEQA Guidelines.

O5-19 cont.

3. The DREIR's Analysis of Transportation Energy Is Inadequate.

Projected development under the Update would result in an additional daily VMT of "323,192, an increase of approximately 18 percent over baseline," and this increase would result in the consumption of "3,289,413 gallons of gasoline and 617,180 gallons of diesel per year." DREIR at 3.6-18. Astonishingly, the DREIR concludes that

[7] California Air Pollution Control Officers Association, *Model Policies for Greenhouse Gases in General Plans*, June 2009, http://www.ca-ilg.org/sites/main/files/file-attachments/resources__CAPCOA_Model_Policies_for_Greenhouse_Gases_in_General_Plans_-_June_2009.pdf.

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"[f]uel consumption associated with vehicle trips generated by projected development under the General Plan Update would not be considered inefficient, wasteful, or unnecessary." DREIR at 3.6-20.

The DREIR bases this conclusion by stating that "transportation-related energy would be reduced through improved facilities for alternative modes of transportation and transit-oriented development." DREIR at 3.6-20. This statement stands in direct opposition to the reality proposed by the General Plan Update—sprawling development limited only by a single implementation policy to encourage transit-oriented development. *See* DREIR at 3.6-13 ("Implementation Program 15.B.b: Establish an incentive program to encourage transit-oriented development, including, where appropriate, exempting such projects from traffic impact mitigation fees."); DREIR at 3.4-30 ("Development may also occur outside identified communities, despite policies that incentivize development within identified communities."). None of the policies meant to improve alternative modes of transportation or transit-oriented development are mandatory or measurable and none incorporate any sort of performance standard required under CEQA. *See Gray v. County of Madera* (2008) 167 Cal.App.4th 1099, 1119.

An EIR cannot rely on "mitigation measures designed to reduce vehicle trips [to] also reduce energy impacts." *Ukiah Citizens for Safety First*, 248 Cal.App.4th at 264. "CEQA EIR requirements are not satisfied by saying an environmental impact is something less than some previously unknown amount." *California Clean Energy Committee*, 225 Cal.App.4th at 210. Because the DREIR relies on mitigation measures designed to reduce vehicle trips to also reduce energy impacts and because none of the mitigation measures are mandatory or measurable, it is legally deficient. The DREIR must be revised and recirculated with an analysis in compliance with Appendix F of CEQA and actual mitigation measures proposed. O5-19 cont.

In sum, "[b]ecause the [D]EIR . . . [is] inadequate in its analysis of energy impacts of the project, recirculation and consideration of public comments concerning the energy analysis will be necessary before the EIR may be certified and the project approved." *See Ukiah Citizens for Safety First*, 248 Cal.App.4th at 266-67.

G. The DREIR Lacks an Adequate Analysis of the Project's Impacts Relating to Wildfire Hazards. O5-20

We have reviewed the DREIR wildfire hazard analysis. The fire hazards caused by increasing development in this area of the County cannot be overstated. As the fires, including the Ferguson Fire and the Donnell Fire in the County, in northern and southern California this year demonstrated, wildfires dramatically alter the environment

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in California, pose a tremendous risk of injury and death, and cause billions of dollars of damage to buildings and infrastructure. Wildland fire hazard mapping efforts undertaken by the California Department of Forestry and Fire Protection ("CAL FIRE") and the California Public Utilities Commission classify many of the areas planned for increased development under the General Plan Update as having th*e highest* wildland fire hazards/threats/risks in California. DREIR at 4.9-5 (Exhibit 3.9-1). Further, the threat of wildfire is increasing. In the coming decades, climate change will alter temperatures, winds, precipitation, and species, with potentially substantial fire hazard impacts.

The General Plan Update would add thousands of new residents to the wildland urban interface ("WUI") through the development newly permitted by the land use changes. The environmental destruction wrought by wildfires is exacerbated by development in the WUI, which increases ignition risk, and unwisely places people and structures directly in the line of fire. Most wildland fires are caused by humans as opposed to natural causes such as lightning. Common anthropogenic causes of fire include arson/incendiary, equipment use, debris burning, smoking, vehicles, fireworks, electricity, and outdoor cooking (barbecuing). Structure fires sometimes spread and initiate wildland fires. For these reasons, it should be apparent that the presence of development in the wildland urban interface – which adds roads, structures, vehicles, and people to previously undeveloped areas – results in increased probability of fire starts.

O5-20 cont.

Developing housing in locations in California that currently have low or no density, as is the case here, dramatically increases the number of fires and the amount of area burned.[8]

In light of these facts, one would expect the DREIR to have objectively evaluated whether the General Plan Update would expose people and structures to a significant risk of loss, injury or death involving wildland fires. *See* CEQA Guidelines Appendix G VII (h)). Rather than provide this objective analysis, as discussed below, the

[8] *See Fire history of the San Francisco East Bay region and implications for landscape patterns,* J. Keeley, International Journal of Wildland Fire, 14:285–296, 2005, http://www.californiachaparral.com/images/Keeley_East_Bay_Fire_History_2005.pdf; *see also Land Use Planning and Wildfire: Development Policies Influence Future Probability of Housing Loss,* Syphard AD, Bar Massada A, Butsic V, Keeley JE, 2013, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3743760/pdf/pone.0071708.pdf; *see also Human Influence on California Fire Regimes,* Syphard, A. D., V. C. Radeloff, J. E. Keeley, T. J. Hawbaker, M. K. Clayton, S. I. Stewart, and R. B. Hammer, Ecological Application 17:1388–1402, 2007, stating that ninety-five percent of California's fires are caused by human activity, http://silvis.forest.wisc.edu/file/5443/download?token=5iCtdcOI.

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DREIR appears to have been set up to arrive at preordained result: The Project "would reduce potential risk of injury or damage from wildland fires by providing specific requirements for new and existing development to reduce fire hazard, ensure emergency access, and provide for safe evacuation." DREIR at 3.9-25. This bold claim—that a Project developed in a location known to have the highest wildland fire risk in the state would reduce fire risk—is belied by common sense and, as mentioned above, scientific studies. It is fatuous to suggest that disturbing formerly agricultural lands and adding homes and a range of non-native vegetation will in some way be more fire safe than an area left undisturbed. As we explain below, the DREIR's analysis of the Project's potential to result in increased wildland fire events is riddled with flaws.

Policy 17.E.1 of the General Plan Update would allow new development in high or very high fire hazard areas "if it can be made safe . . . ." DREIR at 3.9-19. Similarly, Implementation Program 17.E.b sets up a scenario for future potential wildfire tragedies by claiming ". . . new development, including urban or clustered development, is acceptable in moderate, high, and very high fire hazard zones, provided that project design meets California Building and Fire Codes. . . ." DREIR at 3.9-19. Meeting codes under extreme fire weather and extreme fire behavior conditions can never confidently result in a "fire-safe" level of certainty for development allowed in high or very high fire hazard zones. Meeting codes cannot substitute for establishing policies that spell out clearly that new development will not be allowed in areas that exhibit high and very high fire hazard risk. O5-20 cont.

1. The DREIR Relies on Inappropriate Thresholds of Significance and Therefore Erroneously Concludes the Project Would Not Have Significant Impacts Relating to Wildfire Hazards.

CEQA's most basic purpose is to inform governmental decisionmakers and the public about the potential significant environmental effects of a proposed project. Guidelines § 15002(a)(1). Determining whether a project may result in a significant adverse environmental effect is one of the key aspects of CEQA. *Id.* § 15064(a) (determination of significant effects "plays a critical role in the CEQA process"). CEQA specifically anticipates that agencies will use thresholds of significance as an analytical tool for judging the significance of a Project's impacts. *Id.* § 15064.7. The determination of significance "is critical, because once 'significant effects' have been identified in the EIR, an agency must explore implementing feasible mitigation measures or alternatives to avoid or reduce the effect." *Berkeley Keep Jets*, 91 Cal.App.4th at 1373.

Although the County has some discretion in selecting thresholds of significance, courts have long recognized that agencies violate CEQA by choosing

thresholds that obscure rather than elucidate impacts of concern. *See, e.g.*, *id*. at 1381-82 (EIR improperly relied on a daily average threshold for noise impacts that failed to provide critical information about nighttime noise events); *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1109 ("notwithstanding compliance with a pertinent threshold of significance, the agency must still consider any fair argument that a certain environmental effect may be significant").

Here, there is ample evidence that a project that would bring thousands of new residents to a location known to have the highest fire risk possible would dramatically increase the risk of wildfire ignitions in that location and expose people and structures to a significant risk of loss, injury or death involving wildland fires. Yet, because the DREIR selected thresholds that do not take into account the dangerous location where development would occur, the DREIR incorrectly concludes that the Project's impacts relating to wildfire hazards would be less than significant. DREIR at 3.9-25.

The Supreme Court recently invalidated an EIR for similar errors. *Banning Ranch* holds that an EIR may not ignore a project's environmental setting and must identify its conflicts with other agencies' plans to protect unique resources. 2 Cal.5th at 936-41. There, a city's EIR for a massive development project in the coastal zone failed to evaluate whether the project contained or would significantly impact environmentally sensitive habitat areas ("ESHA"), which are protected by the California Coastal Commission, and thus failed to evaluate any project alternatives or mitigation measures to lessen or avoid impacts to ESHA. *Id*. The Court rejected this approach as "untenable," holding that the city could not "ignore the fact that Banning Ranch is in the coastal zone." *Id.* at 936. "Given the ample evidence that ESHA are present on Banning Ranch, the decision to forego discussions of these topics cannot be considered reasonable." *Id.* at 937. Similarly, here, the DREIR thresholds of significance ignore the fact that the Project site is located within an extremely dangerous location from a wildland fire perspective. **O5-20 cont.**

The DREIR includes the following threshold of significance: "expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands" "without providing a mechanism to address potential site-specific impacts. DREIR at 3.9-15. There are two fundamental problems with this threshold. First, it fails to account for the proposed development's geographic location. Second, it focuses almost exclusively on protecting structures, and not on dealing with larger numbers of sources for ignition. *See* DREIR at 3.9-24 to 25 ("To decrease the hazard of fire in these areas, the Strategic Fire Plan for the Tuolumne/Calaveras Unit provides guidance to reduce structural ignitability. Adherence to the California Building

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Code Chapter 7A, Fire Hazard Severity Zones and Building Standards and Materials, and Public Resource Code 4291, requiring property owners to maintain clearance of flammable vegetation of 100 feet from structures, would also reduce the risk of fire.”).

Thus, because the threshold of significance is only triggered if there are no mechanisms for site-specific impacts which here are limited to measures intended to reduce the flammability of the Project’s vegetation and structures, and because the General Plan Update includes these measures, the DREIR determines the General Plan Update’s impacts would be less than significant. The DREIR’s circular reasoning results in a meaningless impact analysis. In short, the threat this General Plan Update poses is not to the new structures themselves (as they would incorporate fire-resistant building features) but the increase in ignitions that will accompany this Project. As discussed below, it is this increase in ignitions—again, in a location known to have very high wildfire risk—that will pose a severe threat to surrounding residential communities and to those trying to evacuate from a wildfire.

2. The DREIR’s Conclusion that the Project Will Not Increase Fire Hazards Is Unsupported.

O5-20 cont.

The reliance on building codes and the Tuolumne/Calaveras Unit’s Strategic Fire Plan underpinning the DREIR’s findings of a less than significant impact are unsupported. As discussed above, developing housing in the WUI greatly increase the probability of ignition within the General Plan Update’s footprint. The DREIR fails to address increased ignitions. Any ignitions caused by development under the General Plan Update could certainly harm adjacent communities.

In short, development in locations known to have extreme wildfire risk cannot compensate for this hazard simply through a “fire-resistant” design. The only way to protect human life and structures is to not build in these locations in the first place. The DREIR’s failure to accurately model these risks is a fatal flaw.

3. Given the Facts on the Ground Reliance on State Requirements as Mitigation Is Unsupported.

The DREIR states:

> Projected development under the General Plan Update would introduce residential land uses into areas designated as Moderate or High Wildland Fire Hazard areas. However, because development in accordance with the General Plan

> Update would be largely within identified communities and compliance with General Plan Update policies and state and local regulations would require development standards, defensible space, and other features to reduce the potential for wildland fire hazards, projected development under the General Plan Update would result in less-than-significant impacts.

This conclusion is suspect for two reasons. First, as explained above in Section I.C, the identified community boundaries have nothing to do with whether parcels are subject to extreme wildland fire hazards, nor does it imply that there are adequate safety or other infrastructure implicit with being in an arbitrary identified community area that affects whether the potential for wildland fire hazard is reduced or not. That risk is prevalent through much of Tuolumne County and affects existing subdivisions as well as any new development.

Second, Tuolumne County already has all of the policies in this proposed General Update already in effect today and has had them since 1996. The project documents show that there are essentially no new policies or implementation measures proposed that differ from those that are already in effect. *Compare* 1996 General Plan at 6-12 to 6-26 *to* GPU at 9-2 to 9-11. However, the development that has occurred under the 1996 General Plan, including for example the development of the Star Mobile Estates and subdivision on Jamestown Road, has not resulted in fire hardened communities. At the mobile home park and subdivision, it is clear from satellite imagery that the homes have very small backyards that abut the very high fire hazard area right next to the development. There are no obvious fuel breaks or other mitigation visible. Given that this type of development has occurred over the previous 20 years with the same policies in place, it is unsupported to find that the General Plan Update which would allow for development in very high fire hazard areas would result in less than significant impacts. **O5-20 cont.**

Only a serious, sustained, and enforceable series of mitigation measures that are required for any new development can actually make a difference in how new development can be made safer from wildfire hazards.

Further, in existing developments with high or very high fire hazards, the General Plan says that it will "[r]equire property owners to maintain wildlands in a fire-resistant manner consistent with Section 4291 of the Public Resources Code." DREIR at 3.9-21. However, the requirement to maintain defensible space is not enforced widely and consistently. In addition, many of the developed subdivisions have numerous vacant lots that are overgrown. A possible mitigation measure that the County should consider

would be a mowing ordinance that would require an inspection and regulatory program to reduce the fire hazards from unmaintained parcels adjacent to existing developed lots. 05-20 cont.

Lastly, the County's conclusion that even though "[p]rojected development under the General Plan Update would increase demand for fire protection service; however, excess capacity exists within the TCFD and new or expanded facilities would not be needed" is wholly unsupported. *See* DREIR at 3.14-11. Many of the thirteen stations are no longer manned on a regular basis, and there are far too few trucks, personnel and other resources available to protect existing development and no actual requirements that new development will improve this situation or even keep it at this unacceptable level. It is true that "additional on-duty full time firefighters could be needed" but there are no programs or measures in place that would accomplish that. *See* DREIR at 3.14-11. The DREIR admits that the County "does not use the National Fire Protection Association standard for fire protection services that requires 1-2 firefighters per 1,000 residents" and says that it fails to meet this standard because it "does not fit TCFD's personnel resources and service population." DREIR at 3.14-2. For the entire county, only nine firefighters are on duty at any given time. DREIR at 3.14-2. However, the County's current population is 54,337 (including the City of Sonora) or 49,458 (excluding the City of Sonora). At a minimum the County should have 50 firefighters. However, the County only has 15 full-time firefighters, 21 part-time fire-fighters and 12 volunteers spread throughout the County. DREIR at 3.14-1. The General Plan Update contemplates an increased County population and will further stress the already thinly spread fire-fighting resources in the County. This is a significant impact and must be mitigated. 05-21

H. The DREIR Improperly Dismisses Impacts to Scenic Resources Based on Flawed Assumptions.

In addition to suffering many of the defects addressed above, the Aesthetics analysis in the DREIR unjustifiably assumes that urban development incentives will result in less rural development. The description of impacts to scenic vistas and the visual character of communities find that channeling development to existing urban communities and encouraging infill development will "minimize" impacts. DREIR at 3.1-17. However, as noted above, the proposed General Plan Update would not limit growth in rural areas, and growth adjacent to communities could continue. *See e.g.*, DREIR at 3.4-33. Thus, the DREIR must thoroughly analyze scenic impacts from such growth and propose meaningful mitigation measures. 05-22

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I. The DREIR Improperly Omits Discussion of Potentially Significant Impacts to Recreation.

The DREIR also fails to comply with CEQA because it includes no analysis of the broad impacts of the County's proposal to abandon its current recreation policy. The current General Plan requires "30 acres of recreational facilities per 1,000 residents." 1996 GP at 8-1. The proposed General Plan Update reduces this goal to "5 acres of recreational facilities per 1,000 residents." GPU at 11-2. This reduction must be examined in the DREIR because it may have negative impacts on recreation, and since much of the time recreational lands also benefit the ecosystem, negative impacts on biological resources and conservation. *See Inyo Citizens for Better Planning* 180 Cal.App.4th at 9-10 (environmental review required for changes to a general plan that would facilitate future development). 05-23

V. The DREIR Should Be Recirculated Again.

CEQA requires recirculation of an EIR when significant new information is added to the document after notice and opportunity for public review was provided. CEQA § 21092.1; CEQA Guidelines § 15088.5; *Laurel Heights II*, 6 Cal.4th at 1130. "Significant new information" includes: (1) information showing a new, substantial environmental impact resulting either from the project or from a mitigation measure; (2) information showing a substantial increase in the severity of an environmental impact not mitigated to a level of insignificance; (3) information showing a feasible alternative or mitigation measure that clearly would lessen the environmental impacts of a project and the project proponent declines to adopt the mitigation measure; or (4) instances where the DREIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the DREIR was essentially meaningless. CEQA Guidelines § 15088.5(a); *Laurel Heights II*, 6 Cal.4th at 1130. 05-24

CSERC respectfully requests that the County consider and analyze alternatives that promote conservation and rural values as part of a revised DREIR for the proposed General Plan Update. The DREIR requires extensive new information and analysis that will necessitate recirculation. As this letter explains, the DREIR provides incomplete analysis of the broad environmental impacts that may result from the County's proposed abandonment of proactive conservation goals and adoption of development-promoting policies without critical protections to balance them. The required analysis will likely result in identification of new, substantial environmental impacts, substantial increases in the severity of environmental impacts, and new alternatives. Moreover, the flaws that permeate the entire DREIR, particularly deferred analysis and non-binding mitigation, constitute precisely the sort of pervasive flaws that

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independently require recirculation under CEQA Guidelines section 15088.5(a)(4). *See Mountain Lion Coalition v. Fish & Game Comm'n* (1989) 214 Cal.App.3d 1043, 1052-53. Full evaluation of impacts and alternatives is critical to provide the basis for a comprehensive analysis of environmental impacts and the identification of feasible alternatives.

We appreciate the opportunity to provide these comments. These comments including the websites/documents linked to with specific URLs throughout the letter should be included in the record. Please keep us informed of all notices, hearings, staff reports, briefings, meetings, and other events related to the General Plan Update.

O5-24 cont.

Sincerely,

SHUTE, MIHALY & WEINBERGER LLP
Ellison Folk

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Letter 05	Central Sierra Environmental Resource Center Ellison Folk, Shute, Mihaly & Weinberger LLP October 10, 2018

O5-1 This comment is generally introductory and/or does not raise environmental issues, and therefore does not require response. The County disagrees with the commenter's characterization of the General Plan Update as weakening conservation policies and mandating only the "absolute minimum requirements" of state and federal law. Rather there are numerous goals and policies in the proposed General Plan Update that are aimed at protecting the County's existing natural resources and reducing environmental impacts.

O5-2 This comment is generally introductory and raises only general environmental issues which are addressed in subsequent responses to comments.

O5-3 The commenter states that the RDEIR "is misleading and unlawful" because it "analyzes the impacts of the General Plan under 'foreseeable growth' or 'projected development.'" The commenter states that the RDEIR must "analyze the potential impacts of the development as permitted under the General Plan … even if the development may not ultimately materialize."

CEQA allows an agency to base an impact analysis on reasonably foreseeable levels of population growth and development. The commenter relies on a list of cases to state that "a general plan EIR must evaluate the amount of development actually allowed by the plan," but those cases (and CEQA) do not require analysis of development that is remote, speculative, unspecified, or uncertain.

To maintain consistency with the Regional Blueprint planning process, the General Plan Update is based upon growth projections published by TCTC. TCTC adopted a population projection of 63,243 residents in Tuolumne County by the year 2040, which translates to a growth rate of approximately 0.6 percent per year. In actuality, the County's annual growth rate has been less than 0.2 percent since 2000, and the County had roughly the same population in 2015 that it did in 2000. In addition, the California Department of Finance forecasts virtually no growth in the County over the 25-year forecast period. The General Plan Update and the RDEIR, however, rely on the projected 0.6 percent growth rate in order to maintain consistency with previously released analyses. This provides a conservative estimate of potential impacts under the General Plan Update. For more information on the growth projections in the General Plan Update and the RDEIR, see Master Response 2 and RDEIR pages 2-5 through 2-8.

CEQA requires an analysis of the reasonably foreseeable consequences of the General Plan Update. Full buildout of every parcel at its maximum land use designation is not a reasonably foreseeable consequence of the General Plan Update. There is no evidence that development beyond that analyzed in the RDEIR is reasonably foreseeable. In fact, the Central Sierra Environmental Resource Center, on whose behalf this comment is provided, argues that the County's growth projections are too high. (See comment O3-1.)

O5-4 See responses to comments I1-3 and I1-14, which provide information regarding identified communities.

O5-5 The commenter states that "[t]he DREIR must … include the existing *developed* acreage broken down by land use type that currently exists in the County." The RDEIR does set forth developed acreage that currently exists in the County broken down by land use type. For example, Table 2-3 provides a comparison of the number of development units under existing year (2015) conditions and projected conditions with the General Plan Update. (RDEIR, p. 2-7)

The commenter states that "[w]hile Table 2-3 may show the number of existing dwelling units and square footage of commercial and industrial development in 2015, it does not break down the acreage that this development exists on to accurately understand how much acreage is still available for development under a full buildout scenario." Table 2-2 shows the comparison of the acreage of each land designation under the 1996 General Plan (2015 conditions) and the General Plan Update (RDEIR, p. 2-6 - 2-7). The RDEIR discloses the existing development and acreages of the land use designations under the 1996 General Plan, as well as expected development and acreages of proposed land use designations under the General Plan Update. The County does not maintain data regarding the number of acres of existing development; therefore, this information is not available and is not provided in the RDEIR.

Tables 2-2 and 2-3 describe the existing physical conditions in the affected area in order to provide an understanding of the significant effects of the proposed project and its alternatives, as required by CEQA.

O5-6 See Master Response 1. This comment raises issues with the County's approach to land use changes and does not raise environmental concerns or issues related to the adequacy of the RDEIR. No further response is required.

O5-7 Regarding Alternatives, CEQA GUIDELINES Section 15126.6 states that "an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." As prescribed by Section 15126.6, the RDEIR evaluated a reasonable range of alternatives, which included six alternatives (three additional alternatives were considered but dismissed from further evaluation): Alternative1: No Project (Recent Trends, Existing); Alternative 2: Public Services; Alternative 3: Recent Trends, Proposed; Alternative 4: Historic Structure Preservation; Alternative 5: Williamson Act Property Preservation; and Alternative 6: Modified Public Services.

Some of these alternatives (such as Alternatives 2, 3, and 6) are designed to address a broad range of significant impacts associated primarily with the potential development pattern that could result from the proposed General Plan Update. As shown in Table 6-2 of the RDEIR, Alternative 2 and 3 do not succeed in reducing significant impacts; however, Alternative 6 (identified as the environmentally superior alternative) would result in reduced impacts in several environmental issue areas, including aesthetics, agricultural resources, air quality, biological resources, cultural resources, global climate change, public services, and traffic. Most notably, Alternative 6 would result in a substantial reduction in the significant impact to agricultural resources, although the impact may still remain significant.

The RDEIR also identifies two alternatives aimed at reducing specific significant impacts associated with the project: Alternative 4: Historic Structure Preservation; and Alternative 5: Williamson Act Property Preservation. Both of these alternatives would substantially reduce a significant impact associated with the General Plan Update (although, similar to Alternative 6, the impact may not be reduced to a less-than-significant level).

As required by CEQA, a reasonable range of alternatives which could attain most of the basic objectives of the project was appropriately identified to reduce significant impacts associated with the General Plan Update. Several of the alternatives would "substantially lessen one or more of the significant effects" (CEQA GUIDELINES Section 15126.6[c]) associated with the General Plan Update, which is the requirement of CEQA. There are significant impacts associated with the General Plan Update that cannot be avoided or substantially reduced by a feasible alternative. For example, given the level of projected growth in the County, an alternative is not feasible that would result in a substantial reduction in operational GHG

emissions. To achieve this reduction, a reduced level of development would be required. A Reduced Development Alternative was considered but disqualified from further evaluation in the RDEIR's alternatives analysis. The County's reasons for disqualifying this alternative are best explained in the following discussion taken from page 6-4 of the RDEIR:

> The County considered a Reduced Development Alternative that would result in less overall development in the County. However, the County dismissed this alternative from further considerations for the following reasons. The amount of development anticipated to occur within the 2040 planning horizon is not considered substantial, and, according to some growth forecasts, is conservatively high. The current general plan land use element and the associated map does not constrain the capacity of growth to 2040; growth could be substantially higher, but projections (and demand) do not support this growth. Thus, the only realistic means to reduce the already low growth projections would be to either: (1) significantly downzone the majority of properties in Tuolumne County such that even the modest level of expected growth would not occur, or (2) adopt growth control policies or other policies that restrict the physical or economic ability to develop lands, which would be contrary to several fundamental objectives of the General Plan Update (examples: enable maximum flexibility for development within the bounds of state and federal law, minimize or eliminate restrictions and requirements that can increase delays and/or the cost to development). Even moderate reduction in growth would require land use restrictions and prohibitions that would conflict with the project objectives; a major reduction in growth would require extreme measures.

The General Plan Update is designed to facilitate projected growth in a responsible and sustainable fashion. This fulfills several of the objectives of the General Plan Update. The level of development allowed under the General Plan Update correlates to the level of growth projected. It is important to understand that if actual growth is less than what is conservatively projected in the General Plan Update, a reduced level of development would occur. In other words, a "reduced-development" scenario could potentially occur under the proposed project if actual growth is less than projected growth (which is a real possibility since growth projections are conservative). To identify an alternative that assumes a lesser level of growth would not allow an apples-to-apples comparison of impacts and would not be a legitimate alternative, but a thought exercise that merely examines an alternative growth assumption. Moreover, several basic objectives (See Section 2.4.1 of the RDEIR), which reflect the values of Tuolumne County decisionmakers, are geared toward enabling flexibility for development and minimizing restrictions on development. Development of alternatives that run counter to these basic objectives would neither meet CEQA requirements nor would they reflect feasible alternatives that could be adopted.

As mentioned above, in addition to the Reduced Development Alternative, the RDEIR considered and dismissed two other alternatives from further evaluation: an Existing Capacity Alternative and a Conservation Alternative. As explained in the RDEIR (p. 6-4), the Existing Capacity Alternative was found to be infeasible due to the severe restrictions it would place on the size and type of development and the fact that underused properties likely include many parcels that present major development constraints, such as steep slopes and lack of access to services. The Conservation Alternative (which was recommended in public comments on the original Draft EIR), did not make sense in the context of the RDEIR because the policy document had been revised substantially since the release of the original Draft EIR to increase protection to agricultural land and natural resources (including oak woodland), and to encourage development in existing communities; in effect, the conservation alternative. Also, the County's park provision standard was revised to a level that was more appropriate for the County (from 30 acres of parkland per 1,000 residents to 5 acres per 1,000 residents). The RDEIR included an evaluation of this policy change and found, based

on other parkland provision standards in other sierra foothills counties, and especially given the proximity of major public open space areas, the impacts to parkland provision are less-than-significant. The RDEIR concludes that many of the impacts to natural resources are less than significant (after implementation of mitigation measures in some cases). For these issue areas, no alternative is needed to reduce impacts. For other resources areas, such as agricultural resources, a significant impact remains. To address these significant impacts, other alternatives (i.e., the Williamson Act Preservation Alternative and the Modified Public Services Alternative) are evaluated in the RDEIR.

Public Resources Code Section 15126.6 goes on to state that the range of potential alternatives to the project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. All of the alternatives evaluated in the RDEIR meet some of the project objectives. Some alternatives meet more objectives than others. The RDEIR appropriately identifies which alternatives may not meet specific project objectives; however, the RDEIR does not reject any of the six alternatives evaluated on the basis of alternatives or on any other basis.

This comment did not raise any issues that require revision to the RDEIR.

O5-8 The commenter states that "a program EIR must provide 'more exhaustive consideration' of effects and alternatives than can be accommodated by an EIR for an individual action."

A program EIR typically covers a broad program or large project, and contains a more general discussion of impacts, alternatives, and mitigation measures than a project EIR. Impacts may be generally characterized and mitigation measures may include programs and performance standards that address the impacts. By its nature, a program EIR considers the overall effects associated with implementing a program (such as a General Plan) and does not, and is not intended to, examine individual projects that may be implemented pursuant to the General Plan. Use of the General Plan Update Program EIR provides the County with the opportunity to consider broad policy alternatives and program-wide mitigation measures, and greater flexibility to address environmental issues and/or cumulative impacts on a comprehensive basis.

The comment selectively identifies certain elements of the CEQA Guidelines and in so doing, takes them out of context. The direction in Section 15168 regarding evaluating impacts "as specifically and comprehensively as possible" (CEQA Guidelines Section 15168(c)(5) is intended to find subsequent activities to be "within the scope" of the EIR, thereby not requiring additional CEQA documentation for projects consistent with the General Plan. While the commenter may desire that this EIR cover all subsequent development in the County, as a program EIR, it is also required to consider issues that are "ripe for decision at each level of environmental review" (Public Resources Code Section 21093, general guidance and CCR Section 15152(b) concerning tiering). A detailed analysis of specific development in the County on thousands of acres, considering only broad land use designations, would be infeasible, would not meet the ripeness criteria, and would also be speculative (because the specific types of development that would occur are unknown). Subsequent environmental review would be more apt for the type of detailed analysis requested by the commenter.

Subsequent activities that fall under the General Plan Update will be evaluated to determine whether additional CEQA documentation is required to address significant impacts. Subsequent activities could be found to be within the scope of the Program EIR and additional environmental documentation may not be required. When a subsequent activity relies on the Program EIR, the County will be required to incorporate feasible mitigation measures and alternatives developed in the Program EIR into the subsequent activity. If a subsequent activity could result in effects not within the scope of the Program EIR, including

new or more severe significant impacts than identified in the Program EIR, the County will be required to conduct additional CEQA review. The RDEIR appropriately uses programmatic-level thresholds.

Evaluating "full development" that could occur under the General Plan Update, as requested by the commenter, would be unreasonable. While the General Plan may enable development within certain land use categories, it would be an exercise in futility, and would create a false analysis, if full buildout of the General Plan was assumed, especially in a jurisdiction wherein highly limited (if much at all) growth is expected over the General Plan Update's 20-year horizon. The commenter may believe that this discloses potential environmental impacts, but to the contrary leads to over-sized infrastructure (as mitigation) that serves to induce growth. By the same token, outside of the impacts reliant on growth projections (such as traffic, air quality, etc.), the RDEIR considers potential impacts of development in the County, wherever it may occur. See, also, response to comment O5-3.

Although the General Plan Update would encourage growth within the identified communities, the actual location and character of future development is not known. Rather than construct an unreasonable analysis, the programmatic analysis is designed to evaluate the reasonably foreseeable potential for effects and mitigate at the landscape level, where appropriate. For example, the text on page 3.4-33, which is related to effects on riparian habitats and sensitive communities (other than oak woodlands, which are addressed separately) reads:

> Although the General Plan Update land use diagram and policy framework is intended to encourage and direct development in and around identified communities, some riparian areas and other sensitive habitats are expected to be encountered where development may occur within or adjacent to natural habitats such as at urban fringe areas or where creeks and rivers pass through identified communities. Thus, it is assumed that some sensitive resources would not be avoided by projected development under the General Plan Update.

The potential for effects on sensitive communities is acknowledged and evaluated. The analysis finds that existing regulations would be sufficient to address potential effects. As indicated on page 3.4-35:

> Compliance with existing state and federal regulations and permitting requirements during project-level environmental review would minimize the loss of these sensitive habitats during construction and provide habitat compensation for the unavoidable loss of riparian and aquatic habitats through CWA Section 404 and Fish and Game Code Section 1600 et seq. permitting/review processes. These existing regulations require that compensation for unavoidable project-related losses or degradation of these sensitive habitats is achieved in a manner that results in no net loss. Therefore, the potential permanent loss or disturbance of riparian, wetland, and aquatic habitats as a result of projected development under the General Plan Update is not expected to be substantial.

O5-9 The commenter states that the RDEIR violates the rule in *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645 because the "conclusion that many impacts will not be significant are 'explicitly premised' on General Plan policies that the DREIR claims will 'reduce' environmental impacts." Specifically, the commenter points to the discussion of potential impacts to special status species.

The goals, policies, and implementation programs, including those aimed at environmental protection, are an integral part of the General Plan Update and cannot be separated from the

project. The RDEIR clearly identifies the potential environmental impacts and, where appropriate, analyzes possible mitigation measures.

The commenter states that "compliance with CEQA and shared resources do not lessen the impacts on special status species since '[d]evelopment may also occur outside identified communities, despite policies that incentivize development within identified communities' where special status species are less likely to occur." Because of the programmatic nature of the General Plan Update, a precise, project-level analysis of the specific effects of individual projects on special-status species is not possible, nor is it required by CEQA. (See also response to O5-8.) Subsequent activities, including development within and outside identified communities, would be required to be consistent with the General Plan, and would be evaluated to determine whether additional CEQA documentation is required to address specific impacts. In addition, Implementation Program 16.B.i provides the following:

> Require development that is subject to a discretionary entitlement from the County and to environmental review under [CEQA] to evaluate potential impacts to biological resources and mitigate significant impacts for the following or as otherwise required by State or Federal law:
>
> - species listed or proposed for listing … under the federal Endangered Species Act (ESA) or California Endangered Species Act (CESA);
> - species considered as candidates for listing under the ESA or CESA; wildlife species designated y CDF as Species of Special Concern;
> - animals fully protected under the California Fish and Game Code; and
> - plants considered by CDFW to be 'rare, threatened, or endangered in California'…. (General Plan Update, p. 16-5)

In other words, the implementation program requires that significant impacts to biological resources be mitigated. It is appropriate for the RDEIR to rely on compliance with existing federal and state regulations (Public Resources Code Section 21081.6, subd. [b]; CEQA Guidelines Section 15097, subd. [b]), as well as the policies and implementation programs contained within the General Plan Update, to conclude that programmatic-level impacts to special-status species under the General Plan Update are less than significant.

The commenter also points to the biological resources analysis and states that "the DREIR impermissibly cites vague, unenforceable, and noncommittal policies and programs as justifications for decisions to require no mitigation of potentially significant impacts." Specifically, the commenter points to the discussions of impacts to animal movement corridors and federally protected wetlands. The commenter's description of the analysis in the RDEIR is not accurate. Please refer to Master Response 5 for more information regarding the wildlife policies and the analysis in the RDEIR.

O5-10 See Master Response 5 for more information regarding proposed wildlife policies, including the 1987 Wildlife Handbook. See also response to comment O2-3, which discusses the commenter's recommended plan-to-plan comparison.

O5-11 See Master Response 3 regarding the re-designation of agricultural lands. Also see response to comment O7-9 regarding vacant parcels. The RDEIR evaluated foreseeable development associated with the proposed General Plan Update. Any development that would occur within land redesignated from Agricultural to a different land use would be required to adhere to all of the state, federal, and local regulations, as well as policies and mitigation measures described in RDEIR Section 3.4, "Biological Resources."

O5-12 The RDEIR includes maps and species information sufficient to inform the program-level evaluation of potential effects. CEQA requires only that reasonably available information is presented in an EIR. Section 15146 of the State CEQA Guidelines provides that the "…degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity…" Specifically, Section 151469(b) states: "An EIR on…a local general plan should focus on the secondary effects that can be expected to follow from the adoption…the EIR need not be as detailed as the construction projects that might follow." This comment did not raise any issues that require revision to the RDEIR.

O5-13 The commenter states that "because the DREIR does not analyze the full buildout of the General Plan, and instead analyzes projected growth, the DREIR does not analyze the environmental consequences of proposed land uses on air quality." Refer to responses to comments O5-3 and O5-8 for discussions of the level of development analyzed in the RDEIR. Also see Master Response 2, which provides the rationale for the population projections used in the General Plan Update and the RDEIR.

O5-14 The commenter suggests that the RDEIR misstates the Tuolumne County Air Pollution Control District's (TCAPCD) specific thresholds for air quality impacts by separating construction emissions from operational emissions in the air quality impact analysis, noting that the TCAPCD has established that "A project would have a significant impact on air quality if… it would result in project-generated emissions in excess of the following… [ROG] – 1,000 lbs/day or 100 tons per year" but does not distinguish between construction and operational emissions. The commenter indicates that if the construction and operational emissions estimates for reactive organic gases (ROG) were combined, they would exceed the 1,000 lbs/day or 100 tons per year threshold. Emissions modeling and analysis for the RDEIR were conducted using best practices for air quality modeling and analysis and remain conservative in the overall emissions estimate. Included below is a discussion regarding the specific methodology used for the air quality analysis which remains consistent with industry best practices for CEQA analysis of air quality impacts.

<u>RDEIR Appropriately Separated Construction and Operational Emission</u>

The TCAPCD does not currently have guidance for conducting air quality analysis as part of the CEQA process. The analysis of air quality impacts associated with the General Plan Update was conducted in an appropriate manner for a plan-level analysis using best practices for analysis when guidance is not provided by the air district. Additionally, because CEQA analysis guidance is not provided by TCAPCD, the air quality analysis conducted took a conservative approach for emission modeling. The following discussions highlights several reasons why the air quality analysis was conducted in an appropriate manner and remained conservative.

Although TCAPCD does not provide specific analysis guidance for emissions modeling, it is common practice in air quality emission modeling to quantify both the construction related emissions and operational emissions of a project because they occur at different periods of time; construction occurs first, then operations. Overlap is rare, especially in the type of smaller projects typical of those that have been and would be expected in Tuolumne County. Thus, it is unlikely that both construction and operation emissions from the same projects would occur at the same time. Air districts which suggest using this methodology include the Sacramento Metropolitan Air Quality Management District (SMAQMD) and the Bay Area Air Quality Management District in their CEQA guidance documents. Specifically, SMAQMD's CEQA guidance provides guidance for air quality analysis for plan-level projects. The SMAQMD's CEQA guidance states that "The construction-generated emissions associated with the build-out of a general or area plan should be evaluated in the same manner as construction emissions associated with an individual project…maximum daily construction-generated emissions should be estimated and then compared to the District's thresholds of

significance." The SMAQMD guidance further notes that plan-level construction emission should be analyzed separately and compared to the District's threshold.

Part of SMAQMD's justification for this methodology is to help identify the proportion of a project's emissions associated with short-term construction activity and the different, permanent long-term operational emissions (SMAQMD 2016:9-3). The separation of a project's construction and operational emissions is also helpful in determining which aspect of a project would contribute to the exceedance of a state or federal ambient air quality standard. Because construction emissions occur over a relatively short period of time and are temporary in nature, these emissions would not contribute to a permanent increase in ambient air quality conditions within an area. Construction emissions are more often used to analyze potential health impacts on nearby sensitive receptors. A project's operational emissions better reflect more permanent long-term effects on ambient air quality and, therefore, whether a project would potentially contribute to exceedance of air quality standards. Modeling and separating construction and operational emission within an air quality analysis helps to delineate how both a project's construction and operational components contribute to air quality impacts. Although the TCAPCD does not provide guidance for the analysis of a projects air quality impacts, industry best practices and appropriate guidance were used for the analysis of potential air quality impacts from the proposed General Plan Update.

RDEIR Used a Conservative Approach to Estimate Emissions

In addition to using the correct overall methodology, the air quality emissions analysis for the proposed General Plan Update was conducted conservatively to ensure all potential air quality impacts were identified and addressed. Construction emissions modeling for the RDEIR was conservative in that the construction emissions estimates were based on conservative equipment exhaust emission rates for the year 2019. Because of several specific regulations regarding air quality, vehicle fuel efficiency, and vehicle emissions rates in construction equipment, emissions rates associated with construction will decrease over time as land uses continue to be developed consistent with the General Plan Update. The following regulations that would continue to be implemented in the future would result in reduced construction-related air quality impacts over time.

- CARB adopted the Advanced Clean Car Program (ACC) in 2012, which serves to regulate and reduce smog-causing (criteria) pollutants and GHG emissions from passenger cars (including construction worker vehicles) in the state through the year 2020. As a result of the ACC, average vehicle emissions in the region will improve and emissions of criteria air pollutants and GHGs from on-road vehicles will decrease through the year 2025.

- CARB currently has in place the Truck and Bus Regulation, which is intended to improve emissions standards for truck and buses operating in California and will be phased in through the year 2023. The regulation is specifically intended to reduce emissions of oxides of nitrogen (NO_X) and particulate matter (PM) from trucks and buses. As a result of this regulation, the vendor truck trips and other on-road heavy duty trucks used during construction activity beyond 2023 will include improved emissions rates and will result in less air quality impacts then the annual construction emissions estimates for 2019.

- In 2004, EPA adopted updated (Tier 4) emission standards for new off-road diesel engines, which would be phased-in over the period of 2008-2015, resulting in emissions of PM and NO_X being reduced by about 90 percent for Tier 4 engines. As a result, the off-road construction vehicle fleet used for construction beyond 2019 will have lower emissions rates than those included in the annual construction emissions estimates for 2019.

In addition to these stricter state regulations, which are not accounted for in the construction emissions estimate, there are several policies included in the proposed General Plan Update which would result in further emissions reductions that were not accounted for in the operational emissions estimates because exact details regarding the implementation of these policies was not known. To remain conservative, the RDEIR's emissions modeling estimates did not include these reductions; however, when implemented, these policies and implementation programs would result in further reduction in emissions reductions from criteria air pollutants. As discussed under Impact 3.3-1 of the RDEIR, the General Plan Update includes policies and associated implementation programs that would reduce emissions from construction activity for land uses to be developed under the General Plan Update. Specifically, proposed Policy 15.A.4 and Implementation Program 15.A.k include specific measures for reducing criteria air pollution and precursor emissions associated with construction activity. Measures included in proposed Implementation Program 15.A.k that would reduce emissions of PM_{10} and $PM_{2.5}$ include dust suppression techniques, such as watering or covering exposed surfaces, rumble strips and wheel washers for trucks and equipment to reduce dust levels leaving project sites, reduced vehicle speeds for construction equipment on unpaved surfaces, and the covering of material for trucks hauling loads. Measures included in proposed Implementation Program 15.A.k that would reduce emissions from NO_X, include limited idling times for equipment when not in use, regular maintenance and tuning of construction equipment to reduce exhaust emissions, and compliance with the CARB off-road and portable equipment diesel PM regulations. Construction emissions modeling for the RDEIR air quality analysis did not incorporate emissions reductions from the measures included in proposed Implementation Program 15.A.k. Therefore, construction emissions estimates for the RDEIR remain conservative and likely overestimate emissions associated with future construction activity under the General Plan Update.

With regard to operational emission, Policy 15.C.1 requires development to reduce criteria and toxic air pollutant emissions from the use of wood burning appliances, through low emission technology and maximize the use of energy conservation and clean or renewable energy sources. Implementation Program 15.C.a, under this policy, requires the installation of only low-emitting, EPA-certified fireplaces, woodstoves or pellet stoves for new development, which are a significant source of operation emissions of ROG. Implementation Program 15.C.b, under this policy, includes the development and implementation of a wood burning stove and fireplace change-out program to install non-wood burning, or EPA-certified wood burning, stoves and fireplaces. Operational emissions modeling for the RDEIR air quality analysis did not incorporate emissions reductions from the implementation of Policy 15.C.1. Based on the various policies discussed above, which would be implemented as part of the General Plan Update but were not included in the construction or operation emissions estimates as part of the air quality analysis, the emissions estimates in the RDEIR air quality analysis remain conservative and likely overestimate emissions associated with implementation of the General Plan Update.

<u>Incorrect Assumptions in the Comment</u>

Emissions modeling conducted for operational activity associated with the General Plan Update was modeled for the operational year of 2040 (which captures all development in the County through the horizon year). The commenter has suggested that construction emissions and operational emissions should be combined and compared against the TCAPCD thresholds and that combined construction and operational emissions of ROG would total 1,082 lbs/day or 105.88 tons/year such that the project would exceed the threshold for ROG (1,000 lbs/day or 100 tons/year). However, as stated above, emissions rates associated with construction activity will decrease in the future due to several existing regulations that will continue to be implemented. Construction emissions are not additive; they only occur in the year during which construction would occur and they were modeled for the year 2019,

when construction emissions rates would be the highest. Combining annual operational emissions rates from the year 2040 with annual construction emission rates from 2019 assumes a scenario that is not possible and is an incorrect methodology for estimating a projects air quality impacts.

For the reasons discussed above, the air quality modeling and analysis in the RDEIR remain consistently conservative in the overall approach to ensure that all air quality impacts are fully identified and addressed. As discussed above, because the TCAPCD does not provide any CEQA guidance for air quality analysis, the emissions modeling and analysis in the RDEIR were conducted using industry best practices for CEQA analysis recommended by air districts in California that do provide CEQA guidance.

O5-15 Impact 3.3-3 (Exposure of Sensitive Receptors to TACs) in the RDEIR discusses potential TAC emissions sources from construction and operational activities resulting from implementation of the General Plan Update. For construction emissions, the analysis discusses diesel PM as the primary TAC associated with construction activity and discusses how TAC emissions from construction activity may affect sensitive receptors. Additionally, the discussion of TAC emissions from construction activity highlights proposed Implementation Program 15.A.k, which includes requirements for reducing criteria air pollutants and precursor emissions associated with construction activity through a series of measures. Measures included in Implementation Program 15.A.k that would reduce emissions of diesel PM_{10} include limiting idling times for equipment when not in use, regular maintenance and tuning of construction equipment to reduce exhaust emissions, and compliance with the CARB off-road and portable equipment diesel PM regulations.

For operational emissions of TACs, Impact 3.3-1 (Generation of Construction-related Emissions that Would Violate an Existing Air Quality Standard) includes a detailed discussion and analysis of potential TAC emission and mentions that new land uses under the General Plan Update could generate new sources of TACs from commercial and industrial land uses, such as gasoline dispensing facilities and dry cleaners. The operational emissions portion of Impact 3.3-1 also includes a discussion of potential TAC sources from transportation-related emissions including potential exposure of sensitive receptors to PM emissions near highways. The operational emissions of TACs discussion also highlights policies currently in place or proposed as part of the General Plan Update that would help to mitigate exposure of sensitive receptors to operational source of TACs. These policies include implementation of TCAPCD Rule 427 which requires land uses resulting in stationary TAC emissions to obtain a permit and install best available control technology for toxics, if deemed applicable by the TCAPCD. This discussion also highlights proposed Policy 15.A.2 from the General Plan Update which focuses on addressing air quality impacts from new development through requirements for air quality impact evaluations and implementation of innovative measures to reduce air quality impacts. Additionally, Implementation Program 15.A.b under this policy requires an air quality impact evaluation for development projects in the County and Implementation Program 15.A.c requires project applicants to identify alternatives or amendments for proposed projects that would reduce emissions of air pollutants, if air pollutant emissions exceed applicable air quality standards. This discussion also highlights proposed Policy 15.A.3, which provides land use compatibility guidance for the siting of new residential land uses near existing industrial land use designations with the goal of minimizing health risks to people from industrial toxic or TAC emissions. Specifically, Implementation Program 15.A.g under this policy requires the establishment of buffer zones to separate new residential development projects and projects categorized as sensitive receptors (e.g., hospitals, convalescent homes and schools) from industrial sites and/or sites that may emit toxic or hazardous pollutants. Implementation Program 15.A.g under this policy requires the establishment of buffer zones to create an adequate distance between

new air pollution point sources such as, but not limited to, industrial, manufacturing and processing facilities, and residential areas and sensitive receptors

The RDEIR's program-level analysis of land uses to be developed under General Plan Update does not include analysis of specific locations of potential new TAC sources. Such an analysis would be speculative because the specific location of future uses that would emit TAC are unknown. Because the specific location of potential new stationary sources to be developed under the General Plan Update are not known, the analysis in Impact 3.3-1 cannot analyze all TAC sources that may be developed under the General Plan Update. Rather, the analysis focuses on potential sources of TAC emissions and the existing regulations that are in place and the policies that are proposed that would serve to reduce TAC impacts on sensitive receptors.

The commenter states that the RDEIR should disclose the current levels of TAC emissions in the County for a comparison to the TAC emissions generated by the project. The significance thresholds for TAC exposure established for this analysis are based on industry best practices for analyzing impacts from TAC exposure used by other air districts including the SMAQMD. The significance thresholds are intended to determine whether a project would result in the exposure of sensitive receptors to substantial concentrations of pollutants that exceed incremental risk increase thresholds. Because the threshold of significance relates to an increase in risk of exposure to TAC, the threshold is highly conservative, and the analysis focuses on the potential increase, a specific baseline level of TAC is not necessary for determination of significant impacts.

The commenter states that the RDEIR is deferring analysis by stating that "all new development undergoing discretionary review would be required to evaluate existing TAC exposure and incorporate available reduction measures in accordance with TCAPCD requirements, if necessary." (RDEIR, p. 3.3-22) This statement is included under Impact 3.3-1 to highlight the process in which individual projects will be required to analyze TAC impacts but the County and TCAPCD. It should be noted that this statement on page 3.3-22 of the RDEIR is clarified as follows:

> Additionally, all new development undergoing discretionary review would be required to evaluate ~~existing~~ TAC exposure as a result of the project and incorporate available reduction measures in accordance with applicable TCAPCD requirements.

The specific revisions are also reflected in Chapter 4. This revision constitutes a minor clarification and does not change the analysis or conclusions of the RDEIR. Recirculation of the RDEIR is not required.

05-16 Section 3.8.2 of the RDEIR includes a discussion of the Tuolumne County Regional Blueprint Greenhouse Gas Study, conducted in 2012, which developed a Countywide GHG inventory for the year 2010. As stated in this discussion, in 2010, Tuolumne County emitted approximately 782,846 $MTCO_2e$.

Section 3.8.3 of the RDEIR includes a discussion of the overall methodology used for estimating GHG emissions associated with the project as well as all assumptions used as part of the emissions estimate. As noted in Section 3.8.3 of the RDEIR, construction and operational GHG emissions were estimated using the California Emissions Estimator Model (CalEEMod) Version 2016.3.2 computer program. All assumptions used in the CalEEMod modeling for emissions associated with area sources, energy use, mobile sources, waste generation, and water use, including energy use assumptions associated with water conveyance, water treatment, water distribution, and wastewater treatment, are available for review and included in the CalEEMod user guides which can be found on the CalEEMod website. The methods of analysis discussion in Section 3.8.3 also references the use of VMT

data included in the analysis which was obtained from the traffic impact study conducted for the project. Appendix D of the RDEIR includes the full traffic study conducted for the General Plan Update and includes a discussion of the methodology used in generating the VMT estimates which were used in the GHG emissions modeling. Appendix C of the RDEIR includes the CalEEMod modeling results for the GHG emissions modeling conducted for the RDEIR. The commenter has stated that the RDEIR does not disclose emissions associated with agricultural uses. The General Plan Update does not include land use growth assumptions for agricultural land uses; these are existing uses and are not anticipated to change.

As discussed above, the methods of analysis portion under Section 3.8.3 of the RDEIR includes a full discussion of the methodology used in the GHG analysis, all assumptions used in the analysis, the source of all data used in the analysis, and the emissions modeling software used for the analysis.

O5-17 The land use development pattern included in the General Plan Update is based on a comprehensive planning process known as Tuolumne Tomorrow, a Regional Blueprint planning process. As described in the Project Description for the RDEIR, this process was a coordinated effort between the City of Sonora, Tuolumne County, and the TCTC to develop various growth scenarios for the County for the year 2040. Through this process, the County chose the Distinctive Communities growth scenario, which emphasizes growth within well-defined, cohesive, and compact communities which are built around an appropriately scaled community core and community gathering places. As discussed in the project description, the preferred growth scenario promotes a mixture of residential, retail, entertainment, office, and commercial uses near each other. (See Master Response 2 for a more detailed discussion of the growth assumptions used in the General Plan Update and RDEIR.) By promoting more compact communities, under this growth scenario, auto dependency would be reduced, and walking, bicycling, and transit use could become increasingly popular forms of transportation. As mentioned in the traffic study (Appendix D of the RDEIR), this growth scenario resulted in the lowest level of VMT increases of all the scenarios analyzed as part of the Regional Blueprint planning process. The County has chosen a land use development pattern which emphasizes compact development and encourages alternative transportation modes such as walking, biking and public transportation and serves to reduce anticipated future growth in VMT through efficient land use planning.

The commenter states that the RDEIR reaches the conclusion that transportation-related emissions will decrease in the future even as VMT increases due to future increases in fuel efficiency standards by only analyzing the projected development rather than the full buildout allowed under the General Plan Update. The VMT estimates used in the GHG emissions analysis are consistent with the VMT estimates used in the traffic study which estimates increases in VMT based on the proposed land uses in the County's General Plan Update and, therefore, fully accounts for all land uses that may be developed as a result of adoption and implementation of the General Plan Update. Additionally, as mentioned in the Project Description of the RDEIR, the General Plan Update assumes an annual projected growth rate of 0.6 percent, which is much higher than the rate of growth that has occurred over the past 20 years, and therefore is a conservative growth rate.

The commenter states that although the General Plan Update includes a policy to develop a CAP, because the suggested measures for inclusion in the future CAP are not all required measures, the analysis and mitigation of GHG impacts of the General Plan Update are improperly deferred. Proposed Goal 18.A of the General Plan Update states that the County will reduce GHG emissions from community activities and County government facilities and operations within the County to support the state's efforts under Assembly Bill 32 and other state and federal mandates to mitigate the County's GHG emissions impacts. Proposed

Policy 18.A.1, under this goal, states that the County will prepare a CAP, or similar GHG emission reduction plan, that establishes a GHG reduction target (a performance standard) consistent with the SB 32 goal to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030 and that the CAP shall identify specific measures to reduce Countywide emissions consistent with the established target. Proposed Implementation Program 18.A.d, under this policy states that the County will adopt and begin implementing the CAP prior to 2020.

Additionally, Mitigation Measure 3.8-1 of the RDEIR includes a series of additional specific and enforceable measures that would further help the County reach the overall reduction targets set in the CAP. The County's future CAP, to be developed and implemented as part of Policy 18.A.1 in the General Plan Update, would include measures to help the County reduce its GHG emissions consistent with the State's long-term emissions reduction targets. The General Plan Update also includes policies regarding energy efficiency, renewable energy, alternative transportation modes, and efficient use of land that would all serve to reduce the County's GHG emissions.

Because the County's policy commitment to prepare a CAP includes the establishment of a target consistent with SB 32 (which constitutes a performance standard of 40 percent below 1990 levels by 2030), because the policy includes a menu of specific reduction measures that would be included in the CAP (Mitigation Measure 3.8-1 includes additional measures and other additional measures may also be included), and because the County is committed to prepare and begin implementing the CAP prior to 2020, GHG mitigation is not deferred.

This comment does not raise any issues that require revisions to the RDEIR. No further response is necessary.

05-18 The commenter states that the General Plan Update "would result in a violation of the Regional Welfare Doctrine" because it "openly conflicts" with the goals of SB 32, and "disregards the cooperative, regional approach to climate change called for in Senate Bill 375 and Assembly Bill 32." The Regional Welfare Doctrine provides that zoning ordinances are presumed constitutional, and will be upheld if they reasonably and substantially relate to the welfare of the affected region, considering and balancing any competing interests.

The RDEIR addresses GHG emissions in Section 3.8, "Global Climate Change." The section describes the County's obligations under SB 32, AB 32, and SB 375 (RDEIR, p. 3.8-4 - 3.8-12). Tuolumne County is not a Metropolitan Planning Organization (MPO) and, therefore, is not subject to SB 375's VMT reduction process or the regional collaborative process between California Air Resources Board and MPOs to reduce mobile GHG emissions (RDEIR, p. 3.8-7). Nevertheless, TCTC, the regional transportation planning agency for the County, included a Rural Sustainable Strategy chapter within its most recent Regional Transportation Plan which considers feasible GHG reduction strategies and goals for the County consistent with SB 375 and AB 32. The County also adopted the Tuolumne County Regional Blueprint Greenhouse Gas Study in 2012, which identified a Countywide goal of 15 percent GHG emission reductions below 2010 levels by 2020 (RDEIR, p. 3.8-9 - 3.8-10).

Policy 18.A.1 of the General Plan Update requires the preparation of a CAP or similar GHG reduction plan, which would include a set of measures targeted to reduce County-wide emissions to 40 percent below 1990 by 2030 levels consistent with the SB 32 goals to reduce statewide GHG.

With respect to VMT, although projected VMT will increase with the implementation of the General Plan Update, annual emissions of GHGs from mobile sources is expected to decline by 90,293 $MTCO_2e$. In addition, the General Plan Update includes policies specifically designed to reduce mobile source GHG emissions (see, e.g., General Plan Update, p. 4-7 - 4-

10, Policies 4.B.1 through 4.B.6; p. 15-4, Policies 15.B.1 and 15.B.2.) Mitigation Measure 3.8-1 also includes examples measures for the CAP which will reduce VMT, such as: (1) "Foster land use intensity near, along with connectivity to, retail and employment centers and services to reduce vehicle miles travelled ...."; and (2) "Improve the local jobs/housing balance to reduce vehicle miles travelled" (RDEIR, p. 3.8-28).

The RDEIR reflects a careful balance of the County's needs and its obligations under state law related to GHG emissions, VMT, and climate change.

O5-19 Appendix F "requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy." However, Appendix F does not identify a specific threshold of significance to determine the type or level of energy consumption that would constitute "inefficient, wasteful, and unnecessary." Appendix F does not require that baseline conditions of the project be evaluated and compared to the project's contribution.

The comment suggests that the RDEIR makes no attempt to quantify the energy impacts from construction of the project. The requirements of Appendix F state that the impact analysis includes the amount and fuel type for construction and operation. Impact 3.6-1 of the RDEIR includes estimates of both construction energy by fuel type, as well as operational energy, including building energy demand (in both electricity and propane consumption) and transportation energy demand (by fuel type). These are disclosed in Tables 3.6-1, 3.6-2, and 3.6-3. This disclosure of energy consumption by the project satisfies the requirement of Appendix F to include the "project's energy requirements and its energy use efficiencies by amount and fuel type of each stage of the project, including construction, operation..." and "the project's projected transportation energy use requirements..."

Appendix F further states that environmental impacts include "the degree to which the project complies with existing energy standards." The RDEIR's conclusion for Impact 3.6-1 (Wasteful, Inefficient, or Unnecessary Consumption of Energy during Construction or Operation) does not rely solely on compliance with adopted building standards but it states that the project would comply, as to satisfy this requirement of Appendix F of the CEQA Guidelines. The impact conclusion relies on efficiencies in building energy consumption through enforcement of the California Green Building Standards, which are more stringent than the building standards, increased renewable energy generation, as well as implementation programs that are enforceable. These include:

- 15.C.1: Require development to reduce criteria and toxic air pollutant emissions from the use of wood burning appliances, through low emission technology, and maximize the use of energy conservation and clean or renewable energy sources.

- 18.A.1: Prepare a CAP, or similar GHG reduction plan, that establishes a GHG reduction target consistent with the Senate Bill 32 goal to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030.

Building energy consumption in Tuolumne County is primarily associated with electricity with some propane use. Under the 2019 California Building Energy Efficiency Standards (Title 24, Part 6), all new single-family residences and multifamily residences under four stories would be required to install solar photovoltaics to offset their electricity load. Further, electricity that is provided to buildings in the County is required to comply with the Renewables Portfolio Standard that regulates utility providers. By 2040, all California utility providers will be required to procure 60 percent of their electricity from renewable sources. By 2045, 100 percent of the electricity provided by utility providers must be procured from renewable sources.

Impact 3.6-1 concludes that the project's wasteful, inefficient, or unnecessary consumption of energy would be less than significant. CEQA does not require mitigation for impacts that are determined to be less than significant, thus additional mitigation is not necessary.

Regarding energy capacity, it is likely that as development occurs under the General Plan Update, additional energy facilities will be needed. These improvements are captured in the overall General Plan buildout, similar to extension and upgrades of other utilities that would be necessary. These facilities would primarily be installed within rights-of-way identified on the circulation diagram and on appropriately designated and zoned property. Therefore, potential environmental impacts are captured in the overall RDEIR analysis. In addition, project-specific CEQA analysis would be required for these projects that would identify any peculiar impacts not foreseen or addressed in the RDEIR. It should be noted that, PG&E is a quasi-public entity, which means that while it has some attributes of a public agency, it operates mostly like a private company (it is a corporation with shareholders). For this reason, PG&E's ability to provide additional supply to meet increased demand is not as constrained as a local public utility, especially as its portfolio expands to include more renewable energy resources. PG&E is profit-driven and will generally provide more energy as needed to meet demand. Therefore, there is no energy capacity issue anticipated.

Regarding the adequacy of the conclusion that construction-related energy consumption is less-than-significant, Implementation Program 15.A.k of the General Plan Update requires limited idling time for construction equipment, thus limiting fuel consumption. This would result in the project using energy more efficiently during construction.

The comment suggests that none of the policies in the General Plan Update are mandatory or measurable and that the RDEIR cannot rely on reduced vehicle trips to also reduce energy impacts. There are many implementation programs that would be required through the adoption of the General Plan Update that would result in reduced transportation-related energy consumption. These include:

- 1.D.j: Provide incentives to encourage high and medium density residential development projects located within a quarter mile of a transit stop.
- 1.D.k: Provide incentives, such as reduced parking requirements and permit streamlining, and remove zoning and other barriers to mixed-use and higher intensity development at transit nodes and along transit corridors.
- 4.B.c: Provide multi-modal access to activity centers such as public facilities, commercial centers and corridors, employment centers, transit stops, schools, parks, recreation areas, and tourist attractions.
- 4.B.l: Require, where appropriate and warranted, new development to contribute to, or construct, bicycle and pedestrian facilities.
- 4.B.m: Where appropriate, require new development outside of identified communities to provide and stripe minimum four-foot wide shoulders within the development to accommodate pedestrians unless average lot sizes are greater than two acres.
- 4.B.o: Require, where appropriate, new commercial, high density residential and recreational development to provide and maintain bicycle storage facilities.
- 4.B.r: Require local roads serving new development to include, where feasible, bicycle and pedestrian facilities.

- 4.B.s: Require, where appropriate and warranted, dedication of right-of-way for and/or construction of bicycle and pedestrian facilities along routes identified in the priority and non-priority lists contained in the Non-Motorized Element of the County of Tuolumne Regional Transportation Plan.

- 4.B.t: Require all new community plans to include a bicycle and pedestrian routes plan.

- 4.B.x: Identify routes from new bicycle and/or pedestrian facilities to link existing residential development to nearby commercial areas and community centers and facilities, such as schools, and to link existing and new identified communities to one another where feasible.

- 4.C.e: Require new development projects to analyze their contribution to increased use of public transit and to contribute towards improvements if significant impacts are identified.

The comment ignores one of the most consequential policies identified in the RDEIR with respect to energy consumption. By adopting Policy 18.A.1, the County would commit to preparing a CAP that would establish a GHG reduction target consistent with Senate Bill 32 to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030. Implementation Programs 18.A.a and 18.A.b identify specific GHG emissions reduction measures to be included in the CAP. Most of these measures would result in a reduction in energy consumption. The RDEIR includes Mitigation Measure 3.8-1, which requires additional reduction measures to be added to Implementation Program 18.A.a. Importantly, Implementation Program 18.A.d would commit the County to adopt and begin implementing the CAP prior to 2020.

This comment does not result in any needed changes to the RDEIR text. No further response is needed.

05-20 The comment expresses concern with the RDEIR's analysis of potential wildfire hazard impacts. Disagreement regarding the analysis and conclusions in an EIR does not render the RDEIR inadequate. Instead, the EIR should contain a sufficient degree of analysis to provide the decisionmaker with information which enables them to make a decision, and the determinations should be supported by substantial evidence.

The RDEIR clearly describes the existing setting and the risk of wildland fires (RDEIR, p. 3.9-4 - 3.9-9). Wildfire outbreaks occur routinely during Tuolumne County's dry season. The local topography contains rugged terrain, including steep canyons, many of which are inaccessible. Severe fire weather occurs on 35 percent of the days during fire season in the majority of the County. Therefore, there is an increased probability that large damaging fires will occur (RDEIR, p. 3.9-4). Relying on the National Fire Plan, the RDEIR identifies a list of 32 "Communities at Risk" from the threat of wildland fire in Tuolumne County. In addition, the RDEIR identifies two airports located in Tuolumne County, and the associated designated safety zones (RDEIR, p. 3.9-7).

The General Plan Update includes a robust set of policies to provide protection to County residents and natural resources from the losses associated with wildland fire (General Plan, p. 17-8 through 17-11). The following list provides a few examples of the many relevant policies and implementation programs. For a complete list, please see the General Plan, pages 17-8 through 17-11 and the RDEIR, pages 3.9-19 through 3.9-21.

- Policy 17.E.2: Require the maintenance of defensible space setbacks in areas proposed for development if wildland fire hazards exist on adjacent properties.

- Policy 17.E.3: Require new development to have adequate fire protection and to include, where necessary, design and maintenance features that contribute to the protection of the County from the losses associated with wildland fire.
  - Implementation Program 17.E.c: Require new development to mitigate wildland fire hazards in such a manner that it minimizes the chance of wildland fire originating outside the development from entering the development and minimizes the chance of fire originating within the development escaping to adjoining property and adjacent wildland.
- Policy 17.E.4: Promote public awareness of wildland fire hazards present within the County, as well as proper fire prevention and protection practices.
- Policy 17.E.8: Require property owners to maintain wildlands in a fire resistant manner consistent with Section 4291 of the Public Resources Code. Assist fire protection agencies in their efforts to enforce Section 4291.
  - Implementation Program 17.E.s: Maintain the County's policies concerning development in the Tuolumne County Ordinance Code in the wildland urban interface area to further reduce the risk of life and property loss from future wildfires.

The RDEIR discusses hazards and hazardous materials, including the risks of wildfire associated with implementation of the General Plan Update, in section 3.9. The County recognizes and takes seriously the fire risk in Tuolumne County (see, e.g., RDEIR, p. 3.9-4). The County engaged in a coordinated effort with the City of Sonora, the Tuolumne Utilities District, the Sonora Union High School District, and many others, to update the *Tuolumne County Multi-Jurisdictional Hazard Mitigation Plan* in 2018, which includes a number of goals, objectives, and mitigation actions for hazards in the County, including wildfire. (See DREIR, pp. 3.8-10 through 3.8-12 for a list of some of the relevant mitigation actions included in the *Multi-Jurisdictional Hazard Mitigation Plan*.) In addition, the Tuolumne County Emergency Operations Plan delineates the County's procedures and policies in response to significant disasters, including wildland fires (RDEIR, p. 3.9-14). Titles 11, 15, and 16 of the Tuolumne County Ordinance Code also contain local fire safe ordinances. The RDEIR determined that via compliance with the robust requirements in the General Plan Update, as well as other relevant state and local regulations, project development under the General Plan Update would result in less-than-significant impacts related to wildland fires.

The comment indicates that the General Plan Update would "add thousands of new residents to the wildland urban interface," and would develop "in locations in California that currently have low or no density." That comment stems largely from a misunderstanding of the General Plan Update because the General Plan Update guides future growth within Tuolumne County and does not mandate the increase of residents in low density areas. See Master Response 2 for more information regarding the growth and development that is likely to occur under the General Plan. Development would occur largely within identified communities. In addition, under the General Plan Update, development within high or very high fire hazard areas would *only be allowed* if it could be made safe by planning, construction, or other fire safety measures, pursuant to General Plan Policy 17.E.1.

The commenter states that "the DREIR selected thresholds that do not take into account the dangerous location where development would occur." The commenter points to *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, in which the Supreme Court held that the City of Newport Beach "could not 'ignore the fact that Banning Ranch is in the coastal zone.'" The commenter compares the situation in *Banning Ranch* to "the fact that the Project site is located within an extremely dangerous location from a wildland fire perspective." As explained above, the RDEIR describes the environmental setting in detail,

including areas of wildland fire hazard (RDEIR, p. 3.9-4 - 3.9-9). The County takes this issue very seriously, both in light of wildfires that have occurred in the County and those that have recently and tragically devastated communities in California, such as the Camp Fire in Paradise. Thus, the County is charged with developing policies knowing it has areas of high fire risks, and that development has occurred already in these areas and is slated to do so in the General Plan Update.

The County has the discretion under CEQA to select its thresholds of significance. With respect to potential wildfire impacts, as explained above in this response to comment, the RDEIR carefully and thoroughly describes the environmental setting. In addition, the RDEIR appropriately relies upon the threshold listed in Appendix G of the CEQA Guidelines and considers whether the physical changes from projected development under the General Plan Update would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands (RDEIR, p. 3.9-15; CEQA Guidelines, Appendix G, subd. VIII.h).

The General Plan Update also takes into account the location of specific development. For example:

- **Policy 17.E.1:** Reduce the exposure to risk from wildland fire to an acceptable level by only allowing development in high or very high fire hazard areas if it can be made safe by planning, construction, or other fire safety measures.
  - **Implementation Program 17.E.a:** Utilize the CAL FIRE Forest and Resource Assessment Program 'Fire Hazard Severity Zone Map' ...as a basis for determining the significance of fire hazards when reviewing development applications.
  - **Implementation Program 17.E.b:** Recognize that new development... is acceptable in moderate, high and very high fire hazard zones, provided that project design meets California Building Codes including Wildland Urban Interface Building Codes. Such developments may be required to provide and maintain additional off-site fire defense improvements.

(General Plan Update, p. 17-8) Where individual projects are constructed in high or very high fire hazard areas, those projects must comply with CEQA, and site-specific impacts will be addressed at that time.

The commenter also expresses concern regarding "increased ignitions" as a result of development under the General Plan, and states that the threshold of significance should address the number of sources for ignition. As explained in the RDEIR, fires in Tuolumne County are predominantly caused by vehicle and equipment use and arson (RDEIR, p. 3.9-4). There is no evidence that the General Plan Update will cause enough increased ignition sources to cause a significant impact under CEQA. In fact, many of the General Plan Update policies will help to reduce the risk of ignition, including Policy 17.E.4, discussed above. Note specifically the language in Implementation Program 17.E.c, which requires new development to mitigate wildland fire hazards in such a manner that it minimizes the chance of wildland fire originating outside the development from entering the development *and minimizes the chance of fire originating within the development escaping to adjoining property and adjacent wildland* [emphasis added].

The commenter states that "there are essentially no new policies or implementation programs proposed that differ from those that are already in effect.... However, the development that has occurred under the 1996 General Plan ... has not resulted in fire hardened communities.... Given that this type of development has occurred over the previous

20 years with the same policies in place, it is unsupported to find that the General Plan Update which would allow for development in very high hazard areas would result in less than significant impacts."

Regulations to protect against wildfire risk have changed extensively since the 1996 General Plan. The California Department of Forestry and Fire Protection (CAL FIRE), the State Board of Forestry and Fire Protection, and other relevant agencies are continually revising regulations and guidance to reflect the current state of knowledge and State policy. Pages 3.9-13 and 3.9-15 of the RDEIR provide a description of the regulatory setting related to wildfire hazards. CAL FIRE regulations are contained at Title 14 of the California Code of Regulations. These regulations, which establish minimum wildfire protection standards in conjunction with building, construction, and development in state responsibility areas, were updated in 2013. The RDEIR describes the State Board of Forestry and Fire Protection's 2010 Strategic Fire Plan, which provides the state's road map for reducing the risk of wildfire. That plan was updated again in 2018. In addition, the *Tuolumne Multi-Jurisdictional Hazard Mitigation Plan* was adopted in 2018, and the California Board of Forestry and Fire Protection certified the County's Public Resources Code section 4290 fire safe ordinances in 2016.

The commenter suggests consideration of "a mowing ordinance that would require an inspection and regulatory program to reduce the fire hazards from unmaintained parcels adjacent to existing developed lots." Unmaintained parcels adjacent to existing developed lots describes an existing condition, which would not be a potential environmental effect associated with implementation of the project. CEQA requires adoption of feasible mitigation measures which would substantially lessen significant environmental effects of a project. Where there are no significant impacts, CEQA does not require mitigation. In addition, it would not be feasible for the County to implement a mowing ordinance as suggested by the commenter. The County currently has one code-enforcement investigator and therefore does not have the capacity to enforce such an ordinance on vacant lots. A mowing ordinance like the one suggested would require extensive funding and enforcement, which could not occur without an entirely new source of revenue. These resources are not available to the County.

For more information regarding fire safety, please refer to Master Response 6.

The conclusions in the RDEIR are appropriate, and no changes to the RDEIR are required.

05-21 See Master Response 6 regarding fire safety. Note that after further coordination with TCFD, County staff has initiated minor text revisions to RDEIR Section 3.14, "Public Services." Among other minor text changes, these edits include revisions to numbers of fire staff and also identify the fact that a new fire station was recently approved in Jamestown. These edits are reflected in Chapter 4 of this document. The RDEIR specifies that an impact would be considered significant if projected development under the General Plan Update would increase demand for fire and emergency services such that it would require the construction of new or expanded facilities, the construction of which could cause significant environmental impacts (RDEIR, p. 3.14-7). After recognizing that the RDEIR states that the County does not rely on the National Fire Protection Association Standard, the commenter then applies this same standard to calculate a number of fire fighters needed to serve the County's population. The RDEIR appropriately considers compliance with response times specified in the TCFD Service Level Stabilization Plan to determine whether new or expanded fire protection facilities are necessary. The analysis includes input provided by personal communication with fire department staff. The RDEIR's analysis, as revised for clarification in Chapter 4, is adequate.

05-22 The General Plan Update includes many policies that would encourage growth to occur in identified communities. The General Plan Update also includes changes to the land use diagram that changes the pattern of development to focus it within these communities. As

stated in Chapter 2, "Project Description": "The General Plan Update includes these changes to land use designations for several reasons. Foremost among these are to match the current zoning designation, to account for existing public ownership of land, and to shift toward a land use pattern wherein development is more likely to occur within identified communities. These land use designation changes would occur throughout the County, but would be more prevalent near the communities of Jamestown, Columbia, Tuolumne, Chinese Camp, and Groveland."

Table 2-2 of the RDEIR (p. 2-6) shows the changes in the land use designations between the 1996 General Plan and the proposed General Plan Update. Using the data shown in the table, it can be seen that the 1996 General Plan designated a total of 735 acres for high- and medium-density residential uses. The General Plan Update identifies a total of 1,040 acres for these same residential designations—a 30 percent increase. The General Plan Update increases the various low-density residential land use designations by only 4 percent. Although the number of acres for the various low-density land use designation is much higher than the high- and medium-density residential designations, the high- and medium-density residential designations would accommodate far more residents per acre; therefore, the 30-percent increase in these designations allows more compact development within identified communities than the 1996 General Plan.

In addition to the land use diagram, the General Plan update also uses policy to focus growth within identified communities. The RDEIR states that the General Plan Update provides guidance in determining the appropriate or desirable locations for this growth, thereby preventing an unnecessarily scattered dispersed pattern of development, which often results in extraordinary demands on public services, above average public service costs, and unnecessary and avoidable destruction or degradation of valuable natural resources (p. 3.13-6). However, the RDEIR also acknowledges that some growth could still occur in more rural areas:

> 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 (p. 3-2).

Therefore, the RDEIR's analysis, including the analysis in Section 3.1, "Aesthetics," does not assume that no development would occur in rural areas. The RDEIR's analysis considers the impact minimization potential from abiding by existing federal, state, and local regulations; it then considers potential impact reduction associated with proposed General Plan Update policies and implementation programs; and if these aren't sufficient to reduce potential impacts below the threshold of significance, mitigation measures are identified.

In the case of Section 3.1, "Aesthetics," the analysis under Impact 3.1-1 (Impacts to a Scenic Vista or Scenic Resource Visible from a Visually Sensitive Location) does acknowledge that the General Plan Update's land use scenario would "tend to minimize impacts to two scenic vistas designated by Caltrans on a rural section of SR 20 near Don Pedro Reservoir"; however, the RDEIR then examines, in detail, the many proposed policies and implementation programs that would further reduce potential impacts. It is primarily on the basis of this policy examination that the RDEIR concludes the impact would be less than significant.

This comment did not result in the need to revise the RDEIR. No further response is necessary.

O5-23 The RDEIR specifically addresses the potential impacts to recreation facilities that could result from the proposed change in parkland provision policy. Impact 3.15-1 (Require the Construction or Expansion of Recreational Facilities) on pages 3.15-9 and 3.15-10 of the RDEIR compares the parkland provision standards of six other counties in the sierra foothills with the current parkland standard of 30 acres per 1,000 residents and the proposed standard of 5 acres per 1,000 residents. The RDEIR concludes that updating the policy to reflect an achievable parkland provision goal would not result in physical impacts to existing recreational facilities. The County's proposed parkland standard would continue to maximize the parkland dedication and/or in-lieu fees collected from developers. In addition, the expansive amount of federal and state public lands available for recreation will continue to provide residents of Tuolumne County numerous alternatives to County parks, which reduces demand for County parks and also minimizes the potential for physical deterioration of County parks resulting from overuse. Impacts related to provision of parkland and associated physical impacts to existing parks resulting from overuse would be less than significant (RDEIR, p. 3.15-10). This comment did not result in the need to revise the RDEIR. No further response is necessary.

O5-24 The RDEIR does not require recirculation because no new substantial information has been identified since the release of the RDEIR. Pursuant to Public Resources Code Section 21092.1, CEQA GUIDELINES Section 15088.5, and *Laurel Heights II*, 6 Cal.4th, "significant new information" includes: (1) information showing a new, substantial environmental impact resulting either from the project or from a mitigation measure; (2) information showing a substantial increase in the severity of an environmental impact not mitigated to a level of insignificance; (3) information showing a feasible alternative or mitigation measure that clearly would lessen the environmental impacts of a project and the proponent declines to adopt the mitigation measure; or (4) instances where the DEIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the DEIR was essentially meaningless.

The County has provided responses to all comments received on the RDEIR, including comments related to alternatives (see response to comment O5-7). Although revisions have been made to the RDEIR (See Chapter 4 of this document), these revisions clarify and amplify the information contained in the RDEIR. These revisions do not change any of the conclusions in the RDEIR. Therefore, none of the public comments received resulted in substantial new information. Breaking down the above-described criteria for "substantial new information" one by one, it is noted that (1) no new information has been identified showing a new, substantial environmental impact; (2) no new information has been identified showing a substantial increase in severity of a significant impact; (3) no new information showing a feasible alternative or mitigation measure that would lessen the impacts of a project for which also the proponent declines to adopt; or (4) no new information showing an instance where the RDEIR was fundamentally and basically inadequate. Recirculation of the RDEIR is not required.

Tuolumne County Farm Bureau
77 N. Washignton St
Sonora, CA 95370

Letter O6

10-11-18

Quincy Yaley
Asst. CRA Director
Tuolumne County CRA
2 S. Green St.
Sonora CA, 95370

RE: General Plan Update Draft EIR Comments

Tuolumne County Farm Bureau appreciates the opportunity to provide comments on the General Plan Update Draft EIR and Proposed Title 17 Amendments. We would also like to sincerely thank you for meeting with us to discuss the proposed agriculture conversion acres and explain the map showing these conversions in detail. Tuolumne County Farm Bureau is committed to protecting and promoting agriculture in our county as we represent nearly 400 members. Most of our members are agricultural producers with storied history in Tuolumne County. Planning documents are very important to our members as land and land availability for agricultural pursuits is our most precious resource. After consulting with other groups, we would like to formally request that the comment period be extended to 90 days. This process has felt rushed and we would like adequate time to prepare and present our comments. O6-1

Our overlaying concern with the Draft EIR is that mitigation measures are only required for the conversion of AG land that is determined by the matrix to be high value. Based upon the fact that roughly 20% of the land mass in Tuolumne County is available for any private uses, all of our land that is currently being used in agriculture is high value. We would propose that mitigation measures be required for the conversion of any AG land, regardless off the classification provided by the matrix.

Our beliefs are based upon the sheer availability of AG land at the current time, and issues that we see with the matrix that is currently in use. The variables in the matrix make if very difficult for any land to be classified as "high value." Nearly all of our producers have land that could be considered near public roads, water sources, infrastructure, current developments, and include small parcels. Most properties also have many areas with slopes over 10% as well. Based upon these variables, the current matrix systematically devalues AG land and therefore its current equation will not classify enough land as "high value" and trigger any mitigation. This current situation will continue to put pressure on existing AG land, make future conversions easier, and lead to the loss of AG land in Tuolumne County. O6-2

The Central Sierra Nevada Foothills Soil Survey is complete and available online via the Web Soil Survey website as of October 1, 2018. This survey and its finds are not addressed in the Draft EIR. The existing measurable also puts too much emphasis on soil depth and devalues land that may not have as deep of soils, yet is very productive and valuable for dry land grazing in the county. O6-3

The number of dwellings on each AG parcel is also becoming a concern. It seems that there are an increase in instances where permits for "farm labor" housing are being approved and we question whether this is truly for "farm labor" or just an owner's desire to create additional units on their property. It seems that a good intentioned policy maybe being taken advantage of and that this is an opportunity to address this issue. We fear that, for example, a 40 acre parcel that has a main home, accessory dwelling, and then farm labor housing, may end up creating rural subdivisions and that was never the intent of these provisions and essentially this is a "back door"conversion of AG land. 06-4

Concerns was also found with some of the new language in Title 17 in the RE land designations. Many people have AG operations of various size and scale on land that is zoned RE and we are concerned with the language that alludes to farming activities except that are "detrimental to neighbors." This is a very slippery slope and if this language remains, a great variety of interpretations would be allowed. Inconsistencies and subjectivity would be created across the county on land that has the same zoning designations. A provision like this could be in violation of the right to farm ordinance and this language could creep into other zoning designations in the future. There are many folks who have had long standing operations on RE zoned land that could all of a sudden be forced to cease operations because a new neighbor claims that their activities are "detrimental" to them? This language is unproductive, disruptive, dangerous, and should be eliminated so that agricultural operations on RE zoned land are not adversely affected. 06-5

In previous years, Tuolumne County Farm Bureau had advocated for the requirement of 4/5 vote of the supervisors for any changes or exceptions that are outside of the AG element (8.A.b.) It is our desire that this provision be included in the Final EIR. This would further protect our precious agricultural lands in the county and also show the county's commitment to preserving our rich agricultural history. The conversion of AG land is the largest threat to production agricultural in Tuolumne County. Agriculture in Tuolumne County is essential for our economic viability, development of youth, and conservation of our rural heritage and lifestyle that is enjoyed by both residents and visitors to the area. 06-6

Sincerely,

Ken Fleming
President
Tuolumne County Farm Bureau

Letter 06	Tuolumne County Farm Bureau Ken Fleming, President October 11, 2018

06-1 See response to comment G5-2 regarding the public comment period.

06-2 See Master Response 3 for a discussion of agricultural policies. It should be noted that the County has the discretion under CEQA to select its thresholds of significance.

06-3 This comment is specifically addressed in Master Response 3. As described in the master response, the commenter pointed out that new NRCS soils data became available while the RDEIR was out for public review. This information was used to help clarify the information presented in the RDEIR, and Mitigation Measure 3.2-1 was revised to cover Important Farmland. Please see Master Response 3 for addition information.

06-4 This comment is noted and included in the record for consideration during the public hearing.

O6-5 The County will recommend removal of the text “not detrimental to neighboring properties” from the draft revisions to Title 17, Tuolumne County Ordinance Code section 17.24.020(D), 17.26.020(D), 17.28.020(D), and 17.29.020(B). This revision to the Title 17 text would not affect the text in the body of the RDEIR; therefore, text revision is not reflected in Chapter 4, “Revisions to the Draft EIR.”

O6-6 This comment does not specifically address the content, analysis, or conclusions in the RDEIR. This comment is noted and included in the record for consideration during the public hearing.

Tuolumne Heritage Committee

Letter 07

Sonora, California 95370

September 28, 2018

RECEIVED

OCT 03 2018

COUNTY OF TUOLUMNE
Community Resources Agency

Tuolumne County
Community Resources Agency
2 S. Green St.
Sonora, CA 95370

Re: Comments on General Plan update and Draft Recirculated EIR on the Tuolumne County General Plan Update Project

Please consider the following our comments to the above documents:

1. The General Plan policy document states that one of the purposes of the document is to "promote" development in Tuolumne County. The current general plan uses the word "guide" for development. The Tuolumne Heritage Committee believes the word guide is better as it isn't the purpose of general plans to promote growth, at least as far as Govt. Code section 65300 et. seq. intends.

2. Tuolumne County Draft Recirculated EIR on the General Plan Update Project

   a. The statement that the update's purpose is to "achieve and enable maximum flexibility for development" seems to leave out similar achievements for conservation.

07-1

   b. Project Description - Why is the county disregarding the official population projections of the state Department of Finance? The planning for 15% more growth than the Department of Finance projects means more zone changes, more threats to cultural resources, habitat and agricultural land. It is also unrealistic and could cause significant impacts to existing communities and resources.

07-2

3. 3.1 Aesthetics

   All of the state highways in Tuolumne County have been determined eligible for scenic status. This is noted in the existing general plan. It is past time for the county to address protecting these scenic byways from inaappropriate usages and design.

   The Mills Act is a property tax relief measure for owners of qualified historic properties. The update notes the county should notify appropriate property owners of this important incentive for conserving historic properties. We suggest a couple of lines on the back of the tax bills sent out by the tax collector. There is sufficient room and this was done at one time and then stopped for some unknown reason.

07-3

-1-

Aesthetics (cont)

Hillside development should be treated with great care. Therefore, the development of same should be "required" to be gentle on the land. The update uses the word "encourage." The impact to aesthetic resources is much greater and difficult to mitigate if hillside development is only encouraged to preserve views, etc. 07-4

4. Agriculture Element

Policy 8.A.4 seems to abandon the 200-foot buffer between ag land and development. This is a significant impact and is not fully mitigated in the recirculated EIR.

Policy 8.B.5 only encourages development of non-ag land before ag land is developed. Ag land, once developed, is no longer productive. To mitigate this potential loss of ag land please consider some kind of showing by a developer that only ag land is feasible for his/her project. The loss of ag land in Tuolumne County is cumulative and significant. 07-5

Impact 3.2-4 suggests rezoning 450 acres of ag land for residential uses. Tuolumne County is a rural county, largely because of the ag lands it has. This impact is significant especially when one realizes there are 10,000 available lots for development in Tuolumne County already. 07-6

5. Biological Resources

Policy 16.B.3 appears to require the consent of property owners for open space zoning that is now up to the discretion of the county. Open Space zoning serves a variety of functions that are essential to species of flora and fauna. The informed decisions of county planners or consultants should determine where it is located. 07-7

6. Cultural Resources

Table 3.5-1 should not be construed to list the only historical resources in Tuolumne County. Please add clarifying language to indicate that there are many historical resources in county-approved inventories, consultant-generated studies and still unfound cultural resources that may be found when a project is being reviewed or is underway. 07-8

Implementation Program 13.A.a regards the Mills Act and the county's responsibility to notify property owners of same. Please see comments on page 1 for a possible means for the county to carry out this implementation program.

7. Population and Housing

This section fails to take note of the 10,000 legally created lots that, if built on, would probably represent good in-fill practices. 07-9

-2-

Impact 3.13-2 seems to indicate the county is "prepared and able" to accommodate the growth projected in the general plan update. There are no figures, lists or any back up material to indicate this is correct especially since the county is planning for a growth rate that is 15% above the official Department of Finance projections. The impacts of this statement of "prepared and able" could be significant if they are not accurate. 07-9 cont.

8. Public Services

The Tuolumne County Services Impact Mitigation Fee is an excellent way to mitigate impacts caused by the growth projected in the general plan update. Please review the fees to determine they can accommodate the growth projected so projected needs can be met by these fees. 07-10

Implementation Program 12.C.a refers to library revenue sources but none are listed. For our libraries to continue to serve current and projected residents, the general plan should have some figures to prove that there will be sufficient revenue to keep our libraries funded at least at the current rate.

9. Recreation

This section (Impact 3.15-2) seems to abandon the county's responsibility to provide adequate recreation to its current and projected residents. By appearing to rely on existing federal and state lands the county is abandoning its responsibility to provide recreation that is near where people live. The Quimby Act and county recreation policy envision parks and similar facilities near where people live, where it is convenient for families to gather and enjoy the beauty of their neighborhoods or nearby parks. 07-11

Cumulative Impact Analysis

By comparing cumulative impacts in Tuolumne County to the region as a whole it dilutes the impacts here in Tuolumne County. This is a significant impact. The project should only be concerned with cumulative impacts in Tuolumne County and how to mitigate them. 07-12

Other CEQA Discussions

The statement that the "General Plan Update does not facilitate growth in the county" seems to contradict the vision statement OAV1 which states the purpose of the update is to "promote development in Tuolumne County?" Facilitate and promote are two different approaches. We prefer, as stated earlier, to stick with the language in the current general plan which is to "guide" growth. 07-13

-3-

Removal of Obstacles to Growth

By encouraging growth in identified communities undue pressure is placed on older buildings to be torn down and replaced. This is a significant impact. 07-13 cont.

Summary of Project Impacts

Why must high value agricultural land be sacrificed to more growth? Ag land is one of Tuolumne County's most treasured qualities and also a low tax burden to tax payers. The general plan update DEIR does not explain why this land needs to be reclassified. 07-14

Alternative 4: Historic Structure Preservation

This alternative states there are 19 NRHP listings and 20 California historical Landmarks in Tuolumne County. The conclusion is that this is a small number and the impact of the project would be small with an emphasis on infill development. This section vastly underestimates the known cultural resources (some of which are eligible for the Tuolumne County Register) in Tuolumne County. Virtually all of our historic communities have been inventoried for cultural resources and others have been recorded in conjunction with development projects. Others remain uninventoried. There are hundreds if not thousands of historic resources in Tuolumne County that could be impacted by the project. This is significant and cumulative. Page 6-22 mentions a general plan objective of "maximum flexibility for development." Please add language that maximum development threatens our historic resources which are an important part of our heritage, identity and economy. This impact is significant and cumulative. 07-15

Environmentally Superior Alternative

The threat to cultural resources is greater under this alternative. This alternative needs to be modified to reduce impacts to cultural resources throughout the county, not just in identified communities. Our committee does not understand how an alternative can be "environmentally superior" when it clearly puts cultural resources in greater danger than other alternatives. Our history is at risk with this alternative and its 15% increase in population growth over the official California Department of Finance projection. 07-16

Sincerely,

Sharon Marovich

Sharon Marovich, Chair
532-1733

-4-

Letter 07	Tuolumne Heritage Committee Sharon Marovich, Chair September 28, 2018

07-1 This comment is noted and included in the record for consideration during the public hearing. Goals, policies, and implementation programs in the General Plan Update are designed to support the overall objectives of the 2018 General Plan. Achieving "maximum flexibility for development" includes adherence with state and federal environmental laws, which include requirements for mitigation, either onsite, off site, and/or in kind, which may include conservation. This comment does not raise environmental issues or issues related to the adequacy of the RDEIR.

07-2 See Master Response 2. The population projections identified in the General Plan Update rely on several data sources, which were then modeled utilizing the UPLAN planning model created by UC Davis. The General Plan Update does not rely on one source for population information. The General Plan Update molds together a variety of data sources with planning models to project a possible population projection. The General Plan Update does not direct growth to this level, but it, in conjunction with the RDEIR, acknowledges this growth projection and the potential environmental impacts that may result from the development needed to accommodate growth. If the population, over the course of the planning horizon of the General Plan Update, does not reach the potential identified in the RDEIR, there would not be any increased impacts to the environment, as the RDEIR has analyzed what would be considered a conservative population growth as modeled for the General Plan Update. Population growth less than what is estimated in the RDEIR would more likely result in impacts less than those described in the RDEIR, and implementation of mitigation measures identified in the RDEIR would still be required.

07-3 This comment does not raise issues related to the adequacy of the RDEIR. This comment is noted and included in the record for consideration during the public hearing. Noticing of the Mills Act on tax bills will be directed to the Assessor for review and consideration.

07-4 As discussed in the RDEIR's Section 3.1, "Aesthetics," 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 RDEIR evaluates potential impacts to a scenic vista or scenic resource from a visually sensitive location (Impact 3.1-1) and concludes that the impact would be less than significant. The comment does not raise issues related to the adequacy of the RDEIR. Comments regarding hillside development are noted and included in the record for consideration during the public hearing.

07-5 Policy 8.4.A in the General Plan requires a 200 foot buffer from land designated Agricultural, which may be reduced after review and recommendation by the Agricultural Advisory Committee. The policy does not abandon the buffer and the County is not proposing a change from current practice. Comments regarding Policy 8.B.5 are noted and included in the record for consideration during the public hearing. A discussion of the impacts associated with the re-designation of agricultural land is located in the RDEIR, Section 3.2, "Agricultural and Forest Resources."

07-6 See response to comment 07-9. Impact 3.2-4 (Conflicts with Agricultural Land Uses) references the discussion in Impact 3.2-1 (Loss of High-Value Agricultural Land), which evaluates the re-designation of 4,509 acres of land classified as Agricultural. See Master Response 3 for additional discussion.

O7-7 Policy 16.B.3 requires property owner consent for the rezoning of land to Open Space, Open Space-1, or designating land Open Space in the General Plan. Current practice at the County also requires this consent. The County, or a project consultant, makes a recommendation of Open Space as appropriate mitigation to an identified impact. The County then consults with the property owner to ensure that the proposal is acceptable. If the property owner does not agree to the Open Space proposal, alternative mitigation is considered. If no alternative mitigation is available, the property owner can proceed with the project and include the proposed Open Space, or can withdraw the application from consideration. A property owner always retains the option to withdraw a project at any time, for any reason, during the discretionary review process.

O7-8 Table 3.5-1 is a list of known historical resources, including those listed in the County inventory. As stated on page 3.5-2 of the RDEIR, "Included in the table are sites listed on the National Register of Historic Places (NRHP) and the Tuolumne County Register of Cultural Resources and designated as California State Historic Landmarks." To add clarification, the title of the table is revised to "Table 3.5-1 Tuolumne County Listed Historical Resources". This revision is also shown in Chapter 4.

The comment states that Implementation Program 13.A.a regards the County's responsibility to notify property owners of the Mills Act and suggests a possible means for the County to carry out this implementation program. This is not a comment on the conclusions or the analysis of the RDEIR. See response to comment O7-3 regarding Mills Act notification.

O7-9 As part of the analysis related to impacts associated with inducement of substantial population growth the, RDEIR includes a discussion regarding the relationship between the function of a General Plan and the actual growth of a plan area. The RDEIR explains that the population growth assumed in the General Plan Update is conservative, but that a conservative population estimate does not create or induce additional growth. The RDEIR further states:

> This growth would be expected to occur without adoption of the proposed General Plan Update. The philosophy of the General Plan Update is that the County will be prepared and able to accommodate projected growth, while adhering to policies that define where and how development will occur. The General Plan Update provides guidance in determining the appropriate or desirable locations for this growth, thereby preventing an unnecessarily scattered dispersed pattern of development, which often results in extraordinary demands on public services, above average public service costs, and unnecessary and avoidable destruction or degradation of valuable natural resources (p. 3.13-6).

Chapter 2, "Project Description" of the RDEIR (p. 2-4), summarizes the point well: the policies in the General Plan Update are more likely to shape rather than to cause the foreseeable growth in the County.

To show how the General Plan Update is designed to accommodate the assumed population growth, the Project Description includes tables showing how the General Plan Update would accommodate the growth in terms of change in land use acreage from the 1996 General Plan, as well as the change in dwelling units and non-residential floor area between existing conditions (2015) and year 2040. (See Tables 2-2 and 2-3 in Chapter 2, "Project Description.")

Please also see Master Response 2.

O7-10 This comment does not raise issues related to the adequacy of the RDEIR. This comment regarding Impact Mitigation Fees and Library revenues is noted and included in the record for consideration during the public hearing.

O7-11 See response to comment O5-23 related to the parkland provision standard. The RDEIR does not rely on access to existing federal and state lands for its evaluation, but it does note that the abundance of access to these lands provides further evidence that a change in parkland provision standards to a level that is consistent with the Quimby Act and consistent with other nearby sierra foothills counties would not result in a significant impact to recreational facilities.

O7-12 Chapter 3, "Environmental Impact Analysis," of the RDEIR evaluates impacts within Tuolumne County. Chapter 4, "Cumulative Impact Analysis," evaluates the project's contribution to broader, more regional "cumulative" impacts, as applicable. Chapter 4 (RDEIR, p. 4-1) explains the purpose of the cumulative impact analysis pursuant to CEQA Guidelines Section 15130.

O7-13 See response to comment O7-1. This comment is noted and included in the record for consideration during the public hearing. Impact 3.5-1 (Change in the Significance of a Historical or Unique Archaeological Resource) discusses the impacts to historical or unique archeological resources. The conclusion of this discussion is that the impact is significant and unavoidable. This comment does not raise issues related to the adequacy of the RDEIR.

O7-14 Impact 3.2-4 (Conflicts with Agricultural Land Uses) references the discussion in Impact 3.2-1 (Loss of High-Value Agricultural Land), which evaluates the re-designation of 4,509 acres of land classified as Agricultural. See Master Response 3 for additional discussion.

O7-15 The RDEIR includes Alternative 4: Historic Structure Preservation to address the significant and unavoidable impact associated with the project related to historic structures. This alternative would prohibit, with some exceptions, demolition or substantial alteration of a significant historic structure. As part of the evaluation of this alternative, the RDEIR notes that prohibiting demolition of historic structures could result in some constraint to infill development (because historic structures are more densely located in existing communities where infill development would most often occur). The RDEIR, however, further notes that because there are only 19 listings on the NRHP and 20 California Historical Landmarks, the constraints to infill development would not likely be overly burdensome to infill development. The RDEIR did not suggest that these were the only historic properties, but only that the number can be used as a gauge to determine the level of impediment that this alternative would present to infill development. To reiterate, this alternative is designed to reduce significant impacts to historic structures.

O7-16 The RDEIR concludes that Alternative 6: Modified Public Services is the environmentally superior alternative (p. 6-28). This alternative was selected as the environmentally superior alternative because it substantially reduces one significant impact of the implementation of the General Plan Update (impact to High-Value Farmland) and results in several other reductions in the level of impact associated with other environmental issues, including aesthetics, air quality, biological resources, Global Climate Change, public services, and traffic. Although the alternative would result in slightly greater impacts to cultural resources, the overall level of impact reduction is greatest among all the alternatives. The Modified Public Services alternative is appropriately identified as the environmentally superior alternative.

3.3.3 Individuals

From: Larry Beil [lbeil@sbcglobal.net]
Sent: Tuesday, October 09, 2018 11:10 AM
To: Quincy Yaley
Subject: Comments on General Plan Update and Draft EIR

Letter I1

Attached are comments on the proposed General Plan Update and Draft EIR for your consideration. Please note that several comments relate to the current unavailability of key supporting datasets and source information, which will require you to make that information available for public and peer review and allow additional review time. I1-1

Please acknowledge receipt of message and attachment.

Larry Beil
(address and other contact info available upon request)

Comments on Draft EIR General Plan Update Project

1.6.1 Review of the Recirculated Draft EIR
"During the 45-day public review period, the Recirculated Draft EIR, including the technical appendices, is available for review at the Tuolumne County offices, located at the address provided below, and online at: https://www.tuolumnecounty.ca.gov/889/General-Plan-Update"

Comment: The entirety of the Draft EIR, including all supporting data and reports as well as the documentation of the actual project (General Plan Update) has to be available for review as described above. The statement is that all of the documents are available at County Offices, and online. Therefore, all related documents have to be available in both ways and online is the way that most people are now using to see important information. In actuality, there are significant supporting documents that are not available online or any way explained how they can be reviewed: The General Plan's Geotechnical Interpretive Maps and Geologic Hazards Report, and Tuolumne County Wildlife Maps and Deer Herd Maps and Management Plans. These documents and mapping datasets have to be made available online and available for review in detail (not just a simple map showing the entire County extent on a single page that cannot be viewed in detail to determine adequacy and accuracy) plus all metadata including: I1-2

- Name of Firm and all principals and technical staff involved in the file preparation.
- Date and method of data capture should be documented in detail
- Resolution of the source data
- Accuracy of the data (both horizontal and vertical)
- Quality Assurance methods used in the data preparation
- Method the County will use to access the Maps for consideration, method that the maps will be available for public use, and Method to be used to update the data from this point forward

There are references in the General Plan documentation and\or EIR that state that these datasets will be available to landowners or the public as part of the General Plan implementation so there cannot be a claim of confidentiality that would make the data unavailable for public and peer review at this time.

2.3 DISTINCTIVE COMMUNITIES GROWTH SCENARIO
"The Distinctive Communities Growth Scenario, one of the growth scenarios developed through this effort, was selected and adopted by the Board of Supervisors in August 2012 as the preferred growth scenario for Tuolumne County. Within the Distinctive Communities Growth Scenario, each community contains a well defined, cohesive, and compact community built around an appropriately scaled community core and community gathering places." I1-3

Comment: This entirely misrepresents the process used to define communities as they were used in the Blueprint planning exercise. The Distinctive Communities scenario attempted to

come up with an alternative to the current growth history of random rural sprawl to emphasize that growth that is within or adjacent to an already urbanized or somewhat urbanized area is superior to continued rural sprawl into agricultural areas or wildland areas that strains infrastructure to supply required access, water, sewer and power to spread out development, not to mention the danger of wildfire and difficulty to assure peoples safety in regards to police protection, ambulance service, etc. Since there are no otherwise defined communities in the unincorporated County, some way was necessary to create geographic boundaries to assign values for growth in communities that exceed the value for the same sorts of development that is outside the communities. Planning Staff came up with the boundaries for the "Defined Communities" in an arbitrary fashion, making judgements as they went along.

To start with, the County used to have some boundaries to define areas for jurisdictional boundaries for Planning Commissions. (At one time the County had three "Area Planning Commissions" that had defined boundaries, along with the main Commission that covered everything else). For example, the boundary that was defined for the Columbia Area Planning Commission went miles outside of Columbia itself, way farther than anything that could ever be considered a "well defined, cohesive and compact community". One of the main purposes for this large area was that the Columbia Commission would have the ability to address any entitlement that might need to be changed or added for the Blue Mountain Minerals operation, which encompasses hundreds of acres including all of their owned properties. The logic was that the issues of truck traffic, noise and dust, should be considered by the Columbia Commission rather than main Planning Commissioners who may not live anywhere near these impacts. Since this Columbia Area Planning Commission boundary pre-existed the Blueprint project, Planning Staff recommended just adopting this to be used as a "defined community" area. There was no understanding or assumption that those boundaries in any way "contains a well defined, cohesive, and compact community built around an appropriately scaled community core and community gathering places". Many other of the Defined (or Identified) Community boundaries encompass only a single subdivision or other area of development, sometimes just suburban or rural sprawl with absolutely no community core or gathering places or anything else but a group of residential lots. Some of them have water or similar basic infrastructure in parts of the area but usually not the entire area. Many of them include High and Very High fire hazard areas. The decisions made by Planning Staff to create these Defined Communities were arbitrary and intended only for use as part of the Blueprint planning exercise in order to compare the values of the few alternative growth scenarios as Uplan model iterations. I1-3 cont.

It is important to note that a committee was appointed to work on the Blueprint exercise, but they acted to review the work of Staff but had no statutory powers to approve or adopt anything official. These Identified Community boundaries this section of the Draft EIR is relying upon is incorrectly described, and are not officially adopted boundaries that can be used in this fashion. There has been no official designation or anything resembling a CEQA process applied in their construction or use prior to this proposed project.

"Urban development is centralized, with rural development beyond the urban development areas and between identified community boundaries. Surrounding rural development would serve as buffers between communities and help meet the functional needs of the natural environment and nearby agriculture production. Rural development may be primarily located on the fringe of identified communities, but clustered or grouped together to make the best use of infrastructure and avoid disruption to agricultural lands and environmentally sensitive areas."

Comment: Review of the proposed land use designation changes shows many examples of "urban development" that is definitely not centralized or within any urban development areas or communities. That wrongful conclusion must be removed, and an analysis done to show where urban development is proposed that is not within or immediately adjacent to urban development currently allowed by the existing General Plan. For example, there are several older mobilehome parks that were made inconsistent in 1996 but are being reverted by this project. That analysis must determine impacts to infrastructure (like water, sewer), ability to provide services like public safety, risk from wildland fires on nearby open lands, and particularly growth inducement. Examples include an older mobilehome park off Shell Road, Big Hill Road, R-3 zoned parcels on Saratoga Road, etc. Other examples can easily be located using County mapping technology or using the Consultant. Some of these example areas of isolated "spot zoning" of placing urban uses in rural or inappropriate areas are cited in a later comment.

"Under this scenario, no changes to land use designations would be made that reduce allowable density on any parcels (i.e., down-zone), and development outside communities would continue to be allowed in the rural areas of the County." I1-4

Comment: This is an inaccurate characterization of the actual project, as the opposite is actually proposed to occur. The 1996 General Plan actually did change land use designations for many parcels in order to reduce the issues discussed in the previous comment. It was the intent of County Staff who prepared the 1996 General Plan and EIR that the hundreds of properties that had been originally zoned according to the parcel size or use at the time, resulted in significant random spot zoning or zoning for much more intensive development than the location or infrastructure could actually support at that time. The 1980 General Plan, which was written and produced under duress as the State had sued the County for refusing to create and implement a then-modern General Plan and a building moratorium was in effect until the 1980 General Plan was completed, recognized the parcel sizes and uses and created General Plan land use designation for those parcels accordingly. As a result, there were spot "zoning" or land use designations in area where they never should have been as a result of historical use. For example, there is a mobilehome park that still exists that was originally created to provide housing for workers on the construction of the Melones Dam. That park is located very remotely, with access via a single poorly maintained road, in an area of chaparral vegetation (chaparral vegetation by nature burns in a very frequent fire cycle, making the fire hazard of that area extreme). The 1996 General Plan changed the land use designation to Rural Residential, which by all accounts should have resulted in a zoning district change to Residential Estate - 5 acre minimum. That zoning would have been a much better fit for the surrounding area, and would

have made the existing mobilehome park a nonconforming use. Instead, over 20 years have passed and the zoning for consistency did not happen as the politics of the Board of Supervisors was not in favor of any kind of "down-zoning" even if it made perfect sense. Now they have directed County Staff to perform an upside-down zoning consistency General Plan, where the General Plan has to be made to conform with the zoning. This is backward from the State requirements of making zoning consistent with the General Plan, and clearly not the intent of the 1996 General Plan update. For all practical purposes, when the 1996 General Plan was adopted, it made hundreds of parcels have inconsistent zoning districts. It also "wiped out" any argument from a property owner or developer that they could automatically get a project approved with a land use or density that met the limits of the zoning district but not the land use designation, as the concept that General Plan trumps zoning is firmly established land use precedent. I1-4 cont.

3.4.1 Environmental Setting

HABITATS

"Tuolumne County contains a wide diversity of tree (hardwood and coniferous forests, oak woodlands), shrub (chaparrals), and herbaceous (grasslands) habitat types. Thirty-four habitat types were mapped using the Northern Sierra Nevada Foothills Vegetation Project data (Aerial Information Systems 2011) and the California Wildlife Habitat Relationships (CWHR) habitat classification system within Tuolumne County (CDFW 2008). For purposes of displaying the broad distribution of habitats across the County, these 34 habitat types were aggregated into nine general habitat categories shown in Exhibit 3.4-1. A description of each of the 34 habitats adapted from A Guide to Wildlife Habitats of California (Mayer and Laudenslayer 1988) is presented below. The vegetation classifications from A Manual of California Vegetation, Second Edition (Sawyer et al. 2009) that most closely resemble those classified by the CWHR are also presented in each description. **It should be noted that these habitats are generalized and that site-specific variation is potentially present. Also, the CWHR classification system maps habitats from a broad perspective and in many areas, it is expected that two or more habitats may blend with one another.** Habitats that occur within populated areas can also show variation because of a greater exposure to anthropogenic influences such as the introduction of exotic plant species." I1-5

Comment: The bolded (added for emphasis) sentences above do not emphasize enough that the CWHR classification data are not adequate to use for habitat evaluation, there is too much implicit error due to the broad scope of that mapping project and that the data are characterized in a fashion not finite enough to be used for project evaluation. The raster cells are large and often misidentify the habitat type, and there are no site evaluations used for Quality Assurance. The errors are large and overwhelming, and make the data not useful for considering impacts of specific projects.

Mitigation Measure 3.4-2
Implementation Program 16.B.x Oak Woodland Mitigation
"For mapping purposes, project applicants may use the County's existing oak woodland map (developed for the Recirculated Draft EIR) as an initial base map.."

Comment: Where is that oak woodland map and how can it be reviewed? As earlier promised, it has to be online, copies of the documents or maps have to be available, and provided at a resolution or scale as to be reviewed in detail (unlike most of the map figures already provided in this document). GIS source files should be made available, many reviewers have GIS software to view the map files, and copies of those files should be made available and the reviewers given additional time to review the materials and provide comments. Those files should be posted to a website or FTP site for download and consideration. Along with the copies of the files, complete metadata and reference information should be included: I1-6

- Name of Firm and all principals and technical staff involved in the file preparation.
- Date and method of data capture should be documented in detail
- Resolution of the source data
- Accuracy of the data (both horizontal and vertical)
- Quality Assurance methods used in the data preparation
- Method the County will use to access the Maps for consideration, and Method to be used to update the data from this point forward

3.4.3 Impact Analysis
GENERAL PLAN UPDATE POLICIES
Natural Resources Element
"Policy 16.B.5: Evaluate and mitigate impacts to biological resources in accordance with the requirements of State and Federal law.

Implementation Program 16.B.g: Maintain the Tuolumne County Wildlife Maps to assist in evaluating the effects of land development projects.

Implementation Program 16.B.h: Provide the following information to assist in the evaluation of biological resources: I1-7

Tuolumne County Wildlife Maps
Deer Herd Maps and Management Plans
California Wildlife Habitat Relationships habitat typing and mapping
U.S. Department of Agriculture Forest Service Calveg mapping data"

Comment: The existing Wildlife Maps are extremely old and out of date, and were created using obsolete technologies that introduced massive amounts of error. If these maps have been recreated using modern technology, they need to be available for public and peer review. If they have not been recreated this General Plan and EIR cannot rely upon the old maps for any use whatsoever and cannot be adopted prior to their creation, documentation, and period of availability prior to their consideration and adoption in a public process.

GEOLOGY
GENERAL PLAN UPDATE POLICIES
Natural Hazards Element
"Policy 17.D.2: Map areas determined to be potentially seismically active or otherwise subject to geologic hazardous and apply restrictions to development within the affected areas. Implementation Program 17.D.b: Apply zoning and other land use controls to regulate development in known hazardous areas capable of seismic activity.
Implementation Program 17.D.c: Require as part of the application review process when a potential hazard exists, a geologic, seismic, and/or geotechnical engineering report to be provided by the applicant.
Implementation Program 17.D.d: Establish a program for geologic, seismic, and geotechnical engineering reports required for proposed developments to be reviewed by a technically qualified consultant under contract to the County of Tuolumne.
Implementation Program 17.D.e: Identify the public costs which would be incurred if emergency or remedial actions became necessary in populated areas where seismic hazards exist. Implementation Program 17.D.f: Review contingency plans for major disasters and emergencies and update as necessary to verify that the potential for damage and destruction due to earthquakes and geologically induced dam failure with accompanying flooding continues to be addressed.
Implementation Program 17.D.g: Use the **General Plan's Geotechnical Interpretive Maps**, which show the approximate boundaries of various hazard and resource zones (such as fault zones, erosive soil areas, limestone deposits, etc.) as a basis for future planning. Implementation Program 17.D.h: Update the **Geotechnical Interpretive Maps** on a periodic basis to reflect new geologic and seismologic information.
Implementation Program 17.D.i: Increase public awareness of geoseismic hazards, their location, and their severity by making the **Geotechnical Interpretive Maps** readily available to the public." I1-8
And:
"Policy 17.D.5: Monitor development to see that construction in landslide or unstable slope areas is accomplished safely.
Implementation Program 17.D.s: Require detailed engineering studies in unstable slope or landslide areas, including, but not limited to those areas delineated on the **Geotechnical Interpretive Maps**, prior to approval of urban development. The studies should identify the extent of instability or potential for landslides, and recommend design alterations, considerations or other features which could reduce the potential hazards to an acceptable level. The feasible recommendations from the study(s) shall be required as part of the project approval process.
(Bolding added for emphasis)

Comment: The General Plan's Geotechnical Interpretive Maps and Geologic Hazards Report are mentioned, but not included. These are subject to review and consideration as part of this process. How can a Reviewer see the Maps and Report online? If not online, then copies of the documents or maps have to be available, and provided at a resolution or scale as to be reviewed in detail (unlike most of the map figures already provided in this document). GIS

source files should be made available, many reviewers have GIS software to view the map files, and copies of those files should be made available with adequate time for review prior to closure of a comment period. Those files should be posted to a website or FTP site for download and consideration. Along with the copies of the files, complete metadata and reference information should be included:

- Name of Firm and all principals and technical staff involved in the file preparation.
- Date and method of data capture should be documented in detail
- Resolution of the source data
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- Method the County will use to access the Maps for consideration, and Method to be used to update the data from this point forward

I-8 cont.

If these referenced **Geotechnical Interpretive Maps** are actually the existing datasets from the 1996 General Plan update project, those map files are known to be poorly constructed, wildly inaccurate and incomplete and wholly inadequate for the intended task, and must be redone using modern technology and professional quality assurance prior to reliance by an update General Plan or reliance to reach any conclusion by the Draft EIR.

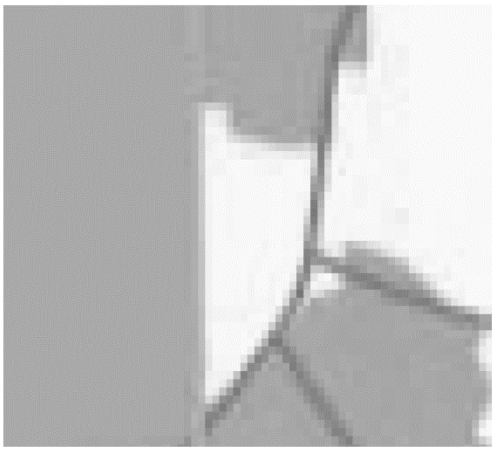
Impact 3.9-2:
"Expose People or Structures to a Significant Risk of Loss, Injury, or Death Involving Wildland Fires
Projected development under the General Plan Update would introduce residential land uses into areas designated as Moderate or High Wildland Fire Hazard areas. However, because development in accordance with the General Plan Update would be largely within identified communities and compliance with General Plan Update policies and state and local regulations would require development standards, defensible space, and other features to reduce the potential for wildland fire hazards, projected development under the General Plan Update would result in less-than-significant impacts."

I1-9

Comment: This conclusion is faulty due to at least two unwarranted conclusions: First, is "Development...would be largely within identified communities.." As explained previously, the "identified community" boundaries have nothing to do with whether parcels are subject to extreme wildland fire hazards, nor imply there are adequate safety or other infrastructure implicit with being in an arbitrary identified community area that affects whether the potential for wildland fire hazard is reduced or not. That risk is prevalent through much of Tuolumne County and affects existing subdivisions as well as any new development. The loss of entire blocks of established communities in Redding and Sonoma County over the last two years demonstrates the risks.

Secondly, "compliance with General Plan Update policies and state and local regulations would...reduce the potential for wildland fire hazards..(and)...result in less-than-significant impacts." Tuolumne County already has the policies in this proposed General Update in effect

today, and have been since 1996. In the project documents it shows that there are essentially no new policies or implementation measures proposed that differ from are already in effect. As an example of why this is a problem, the following images show an area that includes a new subdivision approved and constructed along Jamestown Road (center of image, to left of road and just above or north of an existing mobilehome park). All of that project from original proposal to construction have happened since all of these policies and regulations went into effect and were supposedly applied during project review, approval and construction. Yet the image shows that the oak woodland to the left (west and southwest) of the subdivision remains with no alteration like thinning or understory removal that might reduce the possibility of a wildfire moving from that woodland to the subdivision. The other image is a portion of the Cal Fire wildland fire hazard map for Tuolumne County, the subdivision and mobilehome park are yellow (high fire hazard) while the oak woodland to the west is red (very high fire hazard). The subdivision was constructed with very small backyards up against the very high fire hazard area with no fuel breaks or other mitigation required. Clearly the policies and implementation programs of the General Plan were either not applied during the development process, or otherwise had no effect to make the occupants of this new development in any safe from the risks of wildfire. If this clear failure happened over the last 20 years, there is no reason to expect the lack of application and enforcement that happened here will not happen again and again.



I1-9 cont.

There is no way that the conclusion can be reached that ineffectiveness of the existing array of policies and implementation programs will not continue, and that the potential impacts of wildfire hazard are in any way less than significant. The recent history of wildfires in Calaveras County and elsewhere demonstrates that the potential is very definitely significant, and only a serious and sustained, and **enforceable**, series of mitigating measures that are required for any new development can actually make a difference in how new development can actually be made safer from wildfire hazards.

Policy 17.E.8: Require property owners to maintain wildlands in a fire resistant manner consistent with Section 4291 of the Public Resources Code. Assist fire protection agencies in their efforts to enforce Section 4291.
Implementation Program 17.E.s: Maintain the County's policies concerning development in the Tuolumne County Ordinance Code in the wildland urban interface area to further reduce the risk of life and property loss from future wildfires.
Implementation Program 17.E.t: Require property owners to remove trees killed by drought, disease, insects and other pests to utilize the timber value and reduce the wildland fire hazard consistent with Section 4291 of the Public Resources Code unless a tree is determined to have significant wildlife habitat value by a qualified biologist

Comment: There are numerous references to the State requirements for fuel hazard reduction on private lands found within PRC Section 4290 and 4291 in the existing and proposed General Plan. The policies and programs above are repeated from the current General Plan, and have been in place for years. Despite that the program of CAL FIRE to require residences to maintain defensible space is not enforced widely and consistently, any one living in the many subdivisions within the high and very fire hazard areas can attest to that. Even if inspected and warned, there is no actual followup enforcement. In addition, many of these subdivisions have numerous vacant lots, and there are no laws or regulatory inspection process that applies to reducing the fuel hazards on those vacant lots mixed up with developed lots. A possible mitigating measure would be an ordinance similar to "mowing ordinances" common in cities to keep weeds from growing up on vacant lots. Property owners would be required to reduce the fire hazard risks on vacant properties as well as those that have structures, especially those that are in or adjacent to existing development. It would require an inspection and regulatory program to reduce the fire hazards from unmaintained parcels adjacent to existing developed lots, and could have real improvement to making neighborhoods much safer from wildland fires. I1-9 cont.

Conclusions based on the assumption that those "requirements" in PRC 4290 and 4291 are actually being inspected, enforced and working are wrong, they cannot continue to be relied upon without a real enforcement program in place and proven to be effective. Therefore, these impacts have to be considered to be significant, and further mitigation measures must be addressed. Those mitigation measures have to have a real commitment by County leadership that ordinances will be created, and an effective structure of inspection, enforcement, and actual compliance is behind them to ensure that these are actually effective and provide real mitigation.

3.10 HYDROLOGY AND WATER QUALITY
3.10.1 Environmental Setting
"DAM INUNDATION
There are 44 dams in Tuolumne County that range in size from those that retain large reservoirs dedicated to irrigation, water supply, and power generation, to small facilities used in water distribution and treatment systems or for recreation (Tuolumne County 2018). Large dams are I1-10

mostly located along the Tuolumne and Stanislaus rivers. Exhibit 3.10-3 shows potential dam inundation areas in Tuolumne County."

Comment: The exhibit map for dam inundation areas does not show the inundation area predicted for Twain Harte Lake. This is because a model for the failure for Twain Harte Lake dam has not been created and map has not been filed as required with the State and County. In fact, the only dam in the County that had a potential dam failure documented in modern times was Twain Harte. When the dam appeared to potentially fail, there were no inundation maps to use for evacuation warnings, so the evacuation warning went out to many more residents than necessary causing undue panic and confusion. This needs to be rectified, and should be added to the dam inundation map to be correct. I1-10 cont.

Exhibit 3.10-2 Floodzones (map)

Comment: This map is not of adequate scale and resolution to see all of the areas of flood potential that are mapped or not mapped. For example, the FEMA Flood Information Rate Map (FIRM) data for Tuolumne County was modeled very long ago, and for some reason, had gaps along streams that were not modeled at all. The most obvious example is Woods Creek which passes through Sonora and then Jamestown before entering Lake Don Pedro. Higher in the watershed in Sonora, there are mapped flood zones, but they end just below the Tuolumne County Fairgrounds. As a result there are no FEMA identified flood hazard areas in proximity to Woods Creek as it passes through Jamestown. However, there is very definitely a floodplain area in Jamestown, primarily between Woods Creek and Highway 108\49, and area that has been continued to develop with commercial businesses over time. The CEQA Guidelines give issues that result in significant impacts if the General Plan project would:
"place within a 100-year flood hazard area structures which would impede or redirect flood flows" I1-11
Since FEMA has not mapped Jamestown, that does not exempt this project from considering if development in Jamestown does violate that issue. Therefore, the actual 100-year flood hazard area in the community of Jamestown needs to be calculated prior to approval of the Update. Otherwise, this needs to be considered a potentially significant impact and since it can easily be mitigated that needs to be done.

General Plan Update Policies
Natural Hazards Element
"Policy 17.B.3: Solve flood control problems in areas where existing development has encroached into a floodplain.
Implementation Program 17.B.c: Encourage property owners with existing structures within areas subject to flooding, whether identified on the Flood Insurance Rate Maps or not, to conform to the requirements of the Flood Damage Prevention Ordinance.
Implementation Program 17.B.d: Based upon the Flood Insurance Rate Maps, provide notification to the owners of property within designated floodplains of the consequences of constructing within the floodplain.

Implementation Program 17.B.e: **Encourage owners of land and improvements within floodplains not identified on the Federal Insurance Rate Maps (FIRM), to develop the property to meet the requirements of the Flood Damage Prevention Ordinance by implementing appropriate measures, such as: Identify owners of land and improvements within floodplains not identified on FIRMs. Develop and implement an outreach program to coordinate with these stakeholders. Prepare and distribute to the owners informational literature describing the requirements of the Flood Damage Prevention Ordinance."** (Bolding added to emphasize pertinent language)

Comment: In the example cited previously (Jamestown was not mapped by FEMA FIRM maps despite obviously including floodplains in areas that have and continue to be subject to development), this appears to be addressed by this Policy 17.B.3, except that none of the Implementation Measures that follow actually "solve" flood control problems. Using words like "Encourage" make anything that follows not requirements but suggestions, so do not actually make any problems as truly "solved". Therefore, there continues to be potentially significant impacts from flooding in these areas so the conclusion that impacts are less than significant is incorrect and not supported by facts. The sentences found in that section: "There are no areas designated as 100-year floodplain on the FEMA FIRMs within the Jamestown Community Plan area. As such, development that would occur in this area would not be exposed to 100-year flood events and associated hazards." are factually wrong. I1-11 cont.

3.14 PUBLIC SERVICES
Table 3.14-1 Tuolumne County Fire Stations and Staff

Comment: This table is deceptive and not representative of the truth. Many of the Fire Stations listed on the table are not actually manned, but sit dormant due to the lack of resources and manpower. The table indicates that each station is manned by 12 volunteers, which is not true. In actuality, it appears that there are a total of 12 volunteers available for the entire County, and everyone understands that there are going to be times that many volunteers will not be available at all at times so the functional level of volunteer support is actually at a crisis level. Continued development under the General Plan Update will add population and structures to an already stressed volunteer system with no assurance there will be additional volunteers or any other way solve the crisis. This is an impact that must be mitigated in some other way. I1-12

"TCFD does not use the National Fire Protection Association standard for fire protection services that requires 1-2 firefighters per 1,000 residents because this standard does not fit TCFD's personnel resources and service population."

Comment: The standard is 1-2 firefighters per 1,000 residents, which means there should be 50-100 firefighters for Tuolumne County. Currently, Tuolumne County has 9 firefighters for each shift, plus at best 12 volunteers This is so far from the standard, that this alone is a significant impact that has to be addressed prior to approval for any new development. The sentence that

TCFD does not use the standard are not because it does not "fit TCFD's personnel resources and service population" it is because Tuolumne County does not budget adequate funds to staff and supply a larger number of firefighters. Our ISO ratings are terrible, response times terrible, and there is no way that residents would not benefit from additional personnel and resources (trucks, manned fire stations, etc) if the money was allocated to do that. The County Service Mitigation fees that new development pays is wholly inadequate to make up for the shortfall, new development presently exacerbates an unacceptable situation. The impacts of new development are definitely significant unless mitigating measures are included to truly estimate the real cost of new development getting the ISO ratings to improve, insurance companies to once again welcome Tuolumne County residents, and pay the true cost of providing adequate fire protection.

PROJECT IMPACTS

Impact 3.14-1: Increase the Demand for Fire Protection and Emergency Services

"Projected development under the General Plan Update would increase demand for fire protection service; however, excess capacity exists within the TCFD and new or expanded facilities would not be needed. Review of subsequent development by the Fire Department pursuant to existing County development review practices, the required provision of emergency access, and payment of impact mitigation fees would ensure that potential impacts are less than significant." I1-12 cont.

Comment: There are no facts to support these conclusions. Many of the 13 stations are no longer manned on a regular basis, and there are far too few trucks, personnel and other resources available to protect existing development and no actual requirements that new development will improve this situation or even keep it at this unacceptable level. It is true that "additional on-duty full time firefighters could be needed" but there are no programs or measures in place that would accomplish that. Insurance is getting harder and harder to obtain and the County's ISO Rating continues to suffer. There are certainly things that new development could do to improve Fire staffing, mitigating measures are available, and the conclusion that impacts are less than significant is wrong.

Mitigation Measures

Mitigation Measure 3.16-3: Revise proposed Title 17 text to require traffic mitigation plans. The proposed text changes to Title 17 of the Ordinance Code shall be revised as follows:

17.52.220 Commercial events on agricultural land

I1-13

Comment: The text following the above reference includes portions marked with strikeout, underlines, and double underlines. This is very confusing, what are reviewers expected to review or discard? It appears to be a failure of the authors to complete their final reviews of pre-release draft documents without adequate proof-reading. This section needs to have the editing completed and republished for reviewers to understand the what the section actually means.

5.1 GROWTH-INDUCING IMPACTS

"Land use changes proposed in the General Plan Update are almost exclusively built around conforming the land use map to underlying zoning and increasing the potential development density in identified communities, rather than in rural areas."

"Further, within the General Plan Update, each identified community contains a well-defined, cohesive, and compact community built around an appropriately scaled "urban" core and community gathering places. The size of each community is based on a community boundary."

"Therefore, because growth in the County will occur with or without approval of the General Plan Update, and because the General Plan Update would not in and if itself induce growth, but would rather control and focus growth, impacts related to growth inducement would be **less than significant.**"

Comment: This entire discussion is not supported by any facts or evidence, rather it is built on a faulty assumptions that the creation of "Identified Communities" boundaries somehow creates cohesive compact communities, and that reverting the General Plan land use designations for properties back to what they were prior to adoption of the 1996 General Plan is not growth inducing. I1-14

As explained in a previous comment, the boundaries now used for "Identified Communities" were created arbitrarily by County Staff during the Blueprint process. However, it is very important to note that all of the Blueprint model iterations used the existing General Plan land use designations, and was not based on zoning. So every change to a designation whether the current designation and current zoning are consistent or not, should be considered a change in terms of growth. Those boundaries are not based on what could be considered as " well-defined, cohesive, and compact community built around an appropriately scaled "urban" core and community gathering places", and the statement that each Identified Community "contains" such community is demonstrably false. Indeed, many are remote areas lacking many of those attributes, some are just sprawling subdivisions where infrastructure is lacking and fire protection is very poor (Cedar Ridge, Long Barn, etc.).

Indeed, this General Plan Update includes changes to the General Plan land use designations that are clearly growth inducing in areas where infrastructure is lacking, access is poor, fire hazards are high, and are clearly undesirable growth inducement. The following are some examples:

The above area is on Saratoga Road, and includes not only LDR designations in areas where the fire hazards are very high, but also includes a spot zoning parcel of HDR.

The above area is the old mobilehome park built for temporary housing for dam construction, still occupied 35 years later and now to be designated for HDR. Access road is terrible, slopes are extreme, fire hazards are extreme, no infrastructure available. Impacts of continued development needs to be addressed as well as growth inducement impacts.

I1-14 cont.

Tuttletown was originally developed to serve nearby mines, there are no public services, fire hazards are extreme. Designating this for LDR or any urban use requires impact analyses including Growth Inducement.

Big Hill - the old Hatler Mill has been closed for over 30 years and very little remains on the site, although there are likely some significant environmental concerns due to inevitable spills or dumps of fuels, lubricants, wood preservatives, etc. . It should be no longer be designated for Industrial, changing from LI to HI makes no sense at all. There should be no urban level (LDR) on Big Hill either. All needs to be analyzed for environmental impacts, demands on services, and Growth Inducement.

I1-14 cont.

There is an old mobilehome park on Big Hill, no public services, and bad road access, extreme fire hazards. The change from ER to HDR needs to be specifically addressed and environmental analysis conducted including Growth Inducement.

I1-14 cont.

Changing a strip of parcels along Woodham Carne Road to an urban level of residential (LDR) is growth inducing in an area that is otherwise ER or RR. That needs to be addressed as an impact.

I1-14 cont.

Despite an assertion found in the documents, Stent has had a history of well failures and issues due to the proximity of onsite sewage disposal and wells (no services available). It was designated as ER or large in the 1996 General Plan, to change the designations to urban (LDR) makes no sense and has to be fully addressed including demands on utilities and growth inducement.

Stockton Road across from Fairgrounds - This area is steep, brush covered and at the Gateway to Sonora. Changing designation from RR to Light Industrial could promote the type of growth that is contrary to promoting the Fairgrounds and tourism in general. Fire hazards are very high, and some of the site was originally the "Rotelli Dump" so inevitably has environmental hazards implicit to that previous use. Full environmental review of this proposed change is necessary. I1-14 cont.

There are many other areas that have not been adequately addressed by this EIR, these are some of the obvious examples to show the inadequacy of the treatment in general, and the false assumptions used to find that there are no impacts related to Growth Inducement.

Additionally, the mention of "Land use changes proposed in the General Plan Update are almost exclusively built around conforming the land use map to underlying zoning…" is false due to at least 2 incorrect premises. There are some significant areas where the General Plan land use designations far exceed any development potential that may have once been possible due to existing zoning districts. Those need to be isolated and identified for the reviewers, and full analysis done to comply with CEQA including possible Growth Inducement impacts.

Secondly, at issue is the premise that is assumed wrongfully with "..conforming the land use map to underlying zoning..". As explained clearly in a famous land use case "The tail cannot wag the dog", and in this case that is clearly what is being attempted. Zoning does not underlie the General Plan land use designation, it is the other way around. As discussed previously, the 1996 General Plan created many nonconforming situations for parcels throughout the County by applying a land use designation that was less intensive than the parcels had previously. The County was then obligated by State law to make the zoning consistent with a series of zone changes by ordinance, but failed to do that over the subsequent period of over 20 years. Despite that failure, the "underlying" land use opportunities for those parcels are determined by the General Plan, not the zoning ordinance. Whatever development potential opportunities assigned those parcels by the County is based now on the General Plan and whatever else or more intensive that may have been possible based on zoning is moot. Part of the justification for creating those non conforming areas was based on eliminating the growth inducement influence they may have had on the surrounding properties by reducing the development potential to something more compatible with the location, surrounding land use, fire hazards, access to public services, etc. To change the land use designation now requires full analysis of those issues, and cannot be written off as described by a Planning official in a newspaper report as "fixing discrepancies". These parcels being redesignated to higher levels of development potential did not receive their current land use designation as a "discrepancy", rather a thoughtful act of good planning. The majority of this project cannot be viewed as a "reversion" but as a new project that needs complete review and analysis. I1-15

Letter I1	Larry Beil October 9, 2018

I1-1 The comment is an introductory statement that does not specifically address the content, analysis, or conclusions in the RDEIR. Responses to the commenter's specific concerns regarding source information and document review are addressed below in response to comments I1-2 through I1-15.

I1-2 The mapping information requested in this letter (geotechnical maps, wildlife map, and deer herd map) was available at the County offices during the public comment period on the RDEIR as specified in the Notice of Availability. The mapping information was also provided to the commenter on October 29, 2018, and made available on the County website. With respect to the Geotechnical Maps, they are not referenced in the RDEIR other than to refer

back to the General Plan Update language. The General Plan Update refers to these maps in policies and implementation programs, and generally directs staff to use them when conducting an analysis and to update and maintain these maps. The General Plan Update acknowledges these maps are to be used as guides. Further, Implementation Program 17.D.c requires project specific engineering reports when a potential hazard exists on a site. The reference to the "geotechnical maps" in the General Plan Update was related to maps for use during general project review. These maps were not used in any analysis or for the basis of any conclusions in the RDEIR. Also see response to comment I1-6.

A copy of the October 29th response letter is included as Appendix A.

I1-3 The "identified communities" concept is a carryover from the Community Identity Element in the 1996 General Plan. The 1996 General Plan lists the following twenty areas as "defined communities": Strawberry, Sugar Pine/Mi-Wuk Village, Sierra Village, Long Barn, Twain Harte, Tuolumne, Soulsbyville, Crystal Falls/Mono Vista, Cedar Ridge, Columbia, West Sonora, Standard, East Sonora, Mountain Springs, Jamestown, Chinese Camp, Moccasin, Lake Don Pedro, Big Oak Flat and Groveland/Pine Mountain Lake. The specific boundaries of these communities were initially identified as a part of the 1996 General Plan.

Prior to the initiation of the General Plan Update project in 2015, the County underwent several planning efforts, which are described in Chapter 1, "Introduction," of the RDEIR. These planning efforts continued with the concept of defined communities, but use the terminology "distinctive communities" because it is consistent with the output of the UPlan model. The "distinctive communities" concept became a growth scenario that was evaluated by the UPlan model during Tuolumne Tomorrow/Blueprint process. An advisory committee consisting of City of Sonora staff, Tuolumne County staff, Tuolumne County Transportation Council staff, and community members vetted the actual boundaries of the "distinctive communities" during this process. The attached memo (Appendix B) describes how the UPlan model was implemented for the General Plan Update, using the same approach that was used for the Tuolumne Tomorrow/Blueprint process. It should be noted that previous CEQA review is not necessary for the General Plan Update to include specific identified community boundaries. The General Plan Update continues to implement the "distinctive communities" concept and has revised the list to the communities listed Table 1.4 of the Technical Background Report.

I1-4 This comment is noted and included in the record for consideration during the public hearing. See Master Response 1 regarding Government Code section 65860 and the required vertical consistency between the General Plan, the zoning code, and other development policies. The comment criticizes the text in the RDEIR project description that describes centralized development (RDEIR, p. 2-3). This portion of the project description explains the overall approach and benefits of the land use pattern identified under the Distinctive Communities Growth Scenario. This description is not intended to imply that there are no exceptions to this general pattern. The comment further indicates that the EIR must analyze the impacts of existing development on infrastructure and services. The focus of the RDEIR, however, is the impact of development that is reasonably foreseeable under the proposed General Plan Update, rather than on existing development. Existing development is appropriately considered part of the baseline for the analysis of impacts. The commenter raises issues between the previous 1980 General Plan and the existing 1996 General Plan. The RDEIR considers the potential impacts associated with the proposed General Plan Update and is not required to complete a plan-to-plan comparison.

I1-5 Section 3.4.1, "Existing Setting," of the RDEIR is intended to provide a generalized characterization of Countywide biological resources and conditions. The text recognizes the limits of the available data. Exhibit 3.4-1 is provided as context for the County-wide, program-

level analysis that follows in Section 3.4.3, "Impact Analysis." This mapping is not intended to support project-specific analyses.

Implementation Program 16.B.x, which is identified in Mitigation Measure 3.4-2, does provide that the oak woodland map, which is derived from the same data sources, may be used "as an initial base map," but would require "project-specific ground-truthing/field verification" to generate an accurate map of specific project sites when considering discretionary development proposals. This would correct for any mapping errors in the Countywide map prior to project-specific analysis.

I1-6 See response to comment O2-2, which describes information requests and the County's response. As indicated in response to comment O2-2, the oak woodlands map is mentioned in a new implementation program required by Mitigation Measure 3.4-2 (RDEIR, p. 3.4-36). The "map" in this instance constitutes electronic GIS information and does not refer to an actual map graphic. See also response to comment I1-5.

There is no requirement for all information, metadata and reference material to be provided online, as indicated by this comment. Further, the County does not maintain a website of GIS data for open use by the public. Interested parties can complete a file access request form located on the County website (https://www.tuolumnecounty.ca.gov/FormCenter/GIS-5/File-Access-Request-Form-39), or they can contact County staff directly to gain access to GIS data. Additional information about data can be found on the GIS Division website (https://www.tuolumnecounty.ca.gov/524/GIS-Layer-Descriptions).

I1-7 Policy 16.B.5 and its implementation programs discuss the use of the Wildlife Maps in evaluating impacts to biological resources. As indicated in Policy 16.B.5 and Implementation Programs 16.B.g and 16.B.h, the maps are used to "assist" and are not being directed to be used as the only source of information.

The references to the Wildlife Maps in the General Plan Update are specific to use during general project review, and were not used in any analysis or for the basis of any conclusions in the RDEIR.

I1-8 See response to comments I1-2 and I1-6. The maps and reports are located in the County office for public review during regular business hours. This comment is noted and included in the record for consideration during the public hearing.

I1-9 See Master Responses 5 and 6 and response to comments O5-20 and O5-21 for information regarding wildland fire policies, fire safety, the RDEIR's analysis of wildland fire impacts. See response to comment I1-3 for a discussion of the methodology for establishing identified community boundaries. Regarding the County's record of enforcing local, state, and federal fire policies and regulations, evaluation of potential environmental impacts pursuant to CEQA must treat as a given the lead agency's adherence to, and enforcement of, existing and future applicable laws, regulations, and policies, as well as mitigation measures. Otherwise, it would be impossible to accurately assess environmental impacts and meaningless to apply mitigation measures. Citizens are able to report violations of regulations and standards to the appropriate agencies.

I1-10 The RDEIR relies on the most current data available for dam inundation. In 2017, the owners of Twain Harte Lake, the Twain Harte Lake Association (THLA), received notification from the Department of Water Resources that a dam inundation map had not been published for the lake. The THLA has hired Sierra Overhead Analytics to prepare the maps and an Emergency Action Plan, which is required under Water Code sections 6160/6161. The Twain Harte Lake Association has stated that they expect these documents to be completed by the end of 2018.

I1-11 Exhibit 3.10-2 in the RDEIR's "Hydrology and Water Quality" section shows 100-year flood zones. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for the Jamestown area shows areas designated Zone A, "No Base Flood Elevations Determined" (FEMA 2009). Exhibit 3-2 below provides an image of the actual FIRM map. The Zone A areas shown in the FIRM are consistent with the 100-year flood zones depicted in Exhibit 3.10-2 and are located outside the Jamestown community plan area. Therefore, although there are areas where the base flood elevation is not known, these areas are appropriately identified as 100-year flood areas in the RDEIR. The FIRM does not identify any Zone D areas, which are defined as "areas in which flood hazards are undetermined, but possible." It is also important to note that the RDEIR prepared for the General Plan Update is a Countywide, program-level document. It encapsulates overall impacts, but does not provide fine-grained analyses of specific areas, except when appropriate for determining the broader level of impact.

I1-12 See Master Response 6 regarding fire safety. Also please see response to comment O5-21, which explains that, after further coordination with the Tuolumne County Fire Department (TCFD) staff, text revisions have been made to the table referenced by the commenter. Response to comment O5-21 also provides additional explanation regarding the RDEIR threshold of significance and the County's standards.

I1-13 The text referenced by the commenter is in strike-through, underline format because Mitigation Measure 3.16-3 provides revision, in the form of errata, to proposed Title 17 text. This is not a formatting error but is necessary to show the revisions to the Title 17 text required by the Mitigation Measure. If the Board of Supervisors certifies the EIR, including Mitigation Measure 3.16-3, the underlined language will be added to and the strikethrough language will be deleted from the General Plan Update. No further response is needed.

I1-14 See response to comment I1-3. Changing the general plan land use designations in a manner that is consistent with the existing zoning district is not growth inducing. Potential growth-inducement-related impacts from implementation of the General Plan Update are evaluated in the RDEIR in Section 3.13, "Population and Housing," (see Impact 3.13-2.) and Chapter 5, "Other CEQA Discussions" (see 5.1, "Growth Inducing Impacts"). As explained in the RDEIR, growth in the County will occur with or without the General Plan Update. The General Plan Update does not facilitate growth in the County; rather, it is intended to shape the location and type of development that would otherwise occur. See also response to comment O3-33 regarding the programmatic nature of the RDEIR analysis. Conducting specific, parcel-level analyses of the areas identified by the commenter is not consistent with a program-level analysis.

The comment identifies eight areas in the County where land use designations are proposed to be changed. The table below discusses the eight areas, and the County's response to each suggestion made by the commenter.

APN/Area	Existing Zoning	Existing General Plan	Proposed General Plan	County Response
33-242-22	R-3:MX and RE-1:MX	ER	LDR and HDR	Land uses on the site include 1 SFD, one 3-unit apartment building, and outbuildings. It will be recommended to modify the proposed land designation change and designate the entire property LDR. In the future, a County initiated zone change will be necessary for the property to bring the zoning into compliance with the land use designation, should the entire property be designated LDR.

APN/Area	Existing Zoning	Existing General Plan	Proposed General Plan	County Response
58-500-01	R-3	RR	HDR	Land uses on the site include individual mobile homes. It will be recommended to modify the proposed land designation change and leave the entire property as RR. In the future, a County initiated zone change will be necessary for the property to bring the zoning into compliance with the land use designation, should the property remain RR. Changing the zoning would put the land use into non-conforming status, and the land use could not be expanded or enlarged beyond the existing development.
Tuttletown Area	RE-1, R-1	ER	LDR	Parcels are less than two acres in size. See Master Response 1 regarding vertical consistency.
Big Hill Mill Area	M-2	LI, RR and LR	HI	See Master Response 1 regarding vertical consistency. Evaluation of specific land uses would be required under separate discretionary permit pursuant to TCOC Section 17.68.100.
83-220-01	R-3	ER	HDR	Land uses on the site include individual mobile homes. It will be recommended to modify the proposed land designation change and leave the entire property as ER. In the future, a County initiated zone change will be necessary for the property to bring the zoning into compliance with the land use designation, should the property remain RR. Changing the zoning would put the land use into non-conforming status, and the land use could not be expanded or enlarged beyond the existing development.
Woodhams Carne Area	RE-1	ER	LDR	Parcels are less than two acres in size. See Master Response 1 regarding vertical consistency.
Stent Area	RE-1/R-1	ER	LDR	Parcels are less than two acres in size. See Master Response 1 regarding vertical consistency.
Stockton Road Area	M-1	RR	LI	See Master Response 1 regarding vertical consistency. Evaluation of specific land uses would be required under separate discretionary permit pursuant to TCOC Section 17.68.100.

I1-15 See Master Response 1 regarding Government Code section 65860 and the required vertical consistency between the General Plan, the zoning code, and other development policies.

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The **community map repository** should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations** (BFEs) and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' North American Vertical Datum of 1988 (NAVD 88). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study Report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction, and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study report for information on flood control structures in this jurisdiction.

The **projection** used in the preparation of this map was Universal Transverse Mercator (UTM) Zone 10N. The **horizontal datum** was NAD83, GRS80 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same **vertical datum**. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at http://www.ngs.noaa.gov or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, N/NGS12
National Geodetic Survey, SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at **(301) 713-3242**, or visit their website at http://www.ngs.noaa.gov/.

Base map information shown on this FIRM was derived from multiple sources. This information was compiled from the U.S. Geological Survey, 1999, National Geodetic Survey, 2002, National Atlas, 2005, Federal Emergency Management Agency 1990, National Atlas of the United States, 2004, and Tuolumne County, 2007. Additional information was photogrammetrically compiled at a scale of 1:12,000 from Department of Agriculture aerial photography dated 2005.

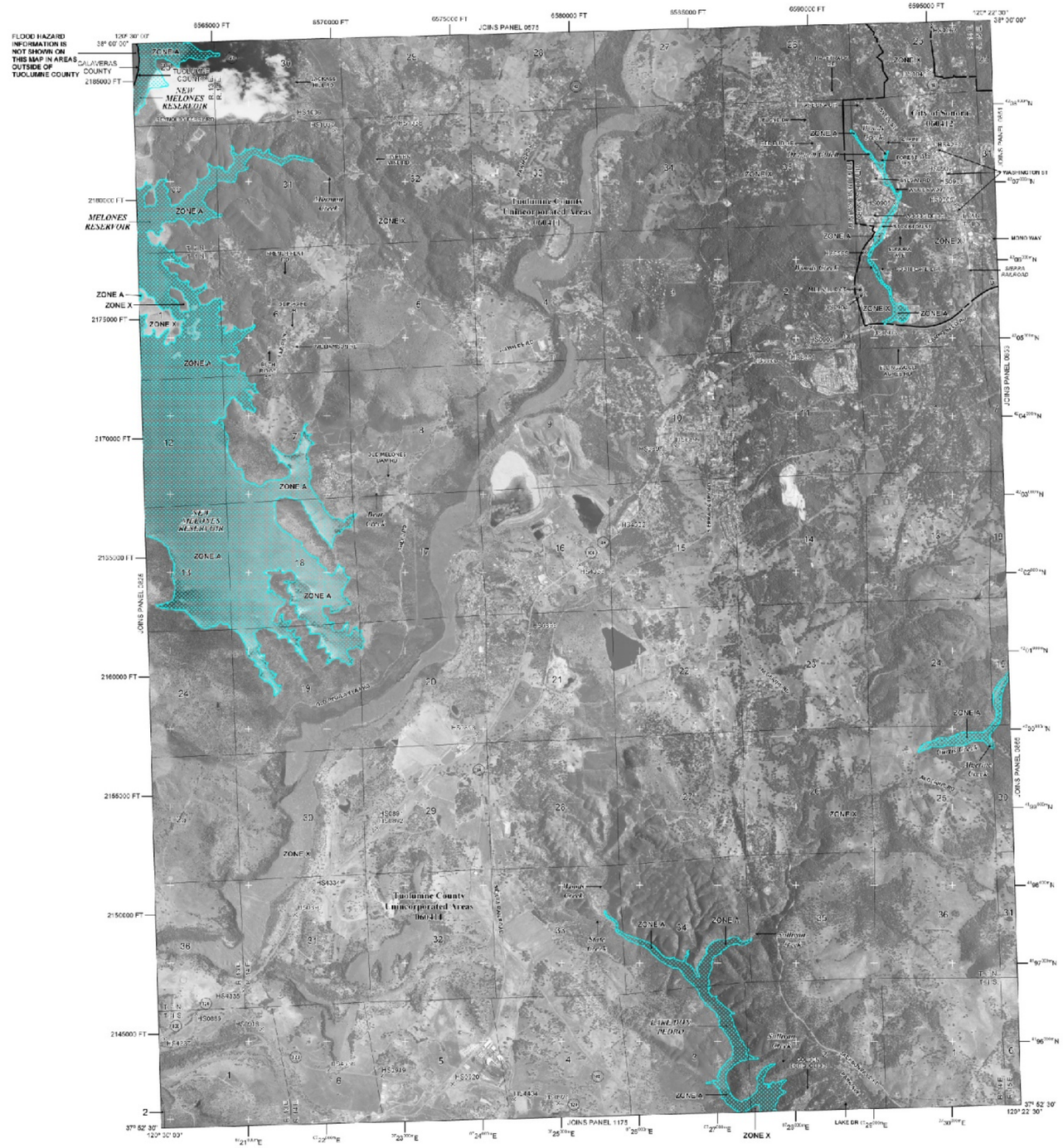
This map reflects more detailed and up-to-date **stream channel configurations** than those shown on the previous FIRM for this jurisdiction. The floodplains and floodways that were transferred from the previous FIRM may have been adjusted to conform to these new stream channel configurations. As a result, the Flood Profiles and Floodway Data tables in the Flood Insurance Study report (which contains authoritative hydraulic data) may reflect stream channel distances that differ from what is shown on this map.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

Contact the **FEMA Map Service Center** at 1-800-358-9616 for information on available products associated with this FIRM. Available products may include previously issued Letters of Map Change, a Flood Insurance Study report, and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and their website at http://www.msc.fema.gov/.

If you have **questions about this map** or questions concerning the National Flood Insurance Program in general, please call **1-877-FEMA MAP** (1-877-336-2627) or visit the FEMA website at http://www.fema.gov/.



LEGEND

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

ZONE A	No Base Flood Elevations determined.
ZONE AE	Base Flood Elevations determined.
ZONE AH	Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
ZONE AO	Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
ZONE AR	Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
ZONE A99	Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
ZONE V	Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE	Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X	Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X	Areas determined to be outside the 0.2% annual chance floodplain.
ZONE D	Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

1% annual chance floodplain boundary
0.2% annual chance floodplain boundary
Floodway boundary
Zone D boundary
CBRS and OPA boundary
Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.

513	Base Flood elevation line and value; elevation in feet*
(EL 987)	Base Flood Elevation value where uniform within zone; elevation in feet*

*Referenced to the North American Vertical Datum of 1988

(A)———(A)	Cross section line
(23)- - - - -(23)	Transect line
97° 07' 30", 32° 22' 30"	Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
4192000mE	1000-meter Universal Transverse Mercator grid values, Zone 10N
600000 FT	5000-foot grid ticks: California State Plane coordinate system, Zone III (FIPSZONE 0403), Lambert Conformal Conic Projection
DX5510 ×	Bench mark (see explanation in Notes to Users section of this FIRM panel)
• M1.5	River Mile

MAP REPOSITORIES
Refer to Map Repositories list on Map Index.

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP PANEL
APRIL 15, 2009

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

MAP SCALE 1" = 2000'

1000 0 2000 4000 FEET
300 0 600 1200 METERS

Source: Image prepared by FEMA in 2009 and provided in 2018

X17010093.01 012

Exhibit 3-2

Jamestown Area Flood Insurance Rate Map

ASCENT ENVIRONMENTAL

Letter I2

From: Scott Fischler [shfischler@gmail.com]
Sent: Thursday, October 11, 2018 8:39 PM
To: Quincy Yaley
Subject: Public Comment - 2018 General Plan Update

Subject: 2018 Tuolumne County General Plan Update

Dear Board of Supervisors,
I am joining in the collective expression of Stent Community's concerns regarding specific aspects of the 2018 Tuolumne County General Plan Update.

While there are many areas causing concern, the most pressing of them to express in this brief public comment period relate to the rapidly escalating traffic intensity, noise and public safety issues on Jacksonville Road, Stent Cut Off and Algerine Road, and the density-increasing proposed changes to local land use designations including or surrounding — and therefore impacting — property use, private property rights and the right to quiet enjoyment of the historic Stent Community.

The intensifying use of Jacksonville Road by passenger and commercial traffic is incrementally creating a public safety hazard that has visibility worsened in that last few years.

The General Plan Update resoundingly failed to address the local impacts to Stent Community due to unmitigated traffic increases and the realistic anticipation of a lack of law enforcement resources to maintain order and public safety on these roadways where residents travel daily with children as passengers in their vehicles.

To be clear, Jacksonville Road is a county maintained road and not a state maintained road, yet it has become a de facto state highway in many respects and an abused alternate route providing the added incentive of a high speed short cut with limited law enforcement presence at significant current and future impact to Stent Community.

This is unacceptable now and is unacceptable during the two decades that this updated general plan will be in force guiding the growth and development of government directed and sanctioned urbanization of Stent.

Jacksonville Road's historical use was abruptly changed by heavy-handed government intervention a half century ago with the realignment of Jacksonville Road at the time of the Don Pedro Reservoir expansion.

Now, the permissible growth pattern set for Stent as suggested by the proposed land use designation will over time transform Stent into a congested and noisy community, I am stating now for public comment and the public record on this matter that this is not acceptable.

Despite the state requirement for zoning and land use designation in the general plan to be internally consistent, changing Estate Residential (ER) parcels to Low Density Residential (LDR) in Stent will still exclude many small parcels from being compliant and therefore negate the validity of the effort for complete internal consistency.

The proposed solution is to create a minimum one-acre land use designation falling between ER and LDR that conforms to RE-1 and R-! zoning, and providing a historic exemption to the sub-acre parcels that comprise much of Stent.

In this manner, contiguous parcels would be required to be assembled into one-acre minimum buildable properties, preserving the currently non-urbanized Stent from intense densification and urbanization during the next two decades.

Respectfully submitted on this date of October 11, 2018.

Scott Fischler
Stent, CA

I2-1

Letter I2	Scott Fischler October 11, 2018

I2-1 See Master Response 1 regarding land use changes in the Stent/Quartz area. The comment also raises general environmental issues, such as traffic and noise. These issues are evaluated in the RDEIR. No specific comments are provided regarding the RDEIR analysis. This comment letter is noted and included in the record for consideration during the public hearing.

Letter I3

From: Carolyn [mspeach819@sbcglobal.net]
Sent: Thursday, October 11, 2018 2:00 PM
To: Quincy Yaley
Subject: 2018 Tuolumne County General Plan Update

Sent from my iPhone

Subject: 2018 Tuolumne County General Plan Update

Dear Board of Supervisors,

As a longtime Tuolumne County family with a century-old ranching tradition, and as property owners in Stent, we are collectively expressing our concerns regarding specific aspects of the 2018 Tuolumne County General Plan Update.

While there are many areas causing concern, the most pressing of them to express in this brief public comment period relate to the rapidly escalating traffic intensity, noise and public safety issues on Jacksonville Road, Stent Cut Off and Algerine Road, and the density-increasing proposed changes to local land use designations including or surrounding — and therefore impacting — our property use, private property rights and the right to our quiet enjoyment of our historic Stent Community.

The intensifying use of Jacksonville Road by passenger and commercial traffic is incrementally creating a public safety hazard that has visibility worsened in that last few years.

The General Plan Update resoundingly failed to address the local impacts to Stent Community due to unmitigated traffic increases and the realistic anticipation of a lack of law enforcement resources to maintain order and public safety on our roadways where we travel daily with our children and grandchildren as passengers in our vehicles.

To be clear, Jacksonville Road is a county maintained road and not a state maintained road, yet it has become a de facto state highway in many respects and an abused alternate route providing the added incentive of a high speed short cut with limited law enforcement presence at significant current and future impact to Stent Community.

This is unacceptable now and is unacceptable during the two decades that this updated general plan will be in force guiding the growth and development of government directed and sanctioned urbanization of Stent. I3-1

Jacksonville Road's historical use was abruptly changed by heavy-handed government intervention a half century ago with the realignment of Jacksonville Road at the time of the Don Pedro Reservoir expansion.

Now, the permissible growth pattern set for Stent as suggested by the proposed land use designation will over time transform Stent into a congested and noisy community,

We are stating for public comment on this matter that this is not acceptable to us.

Despite the state requirement for zoning and land use designation in the general plan to be internally consistent, changing Estate Residential (ER) parcels to Low Density Residential (LDR) in Stent will still exclude many small parcels from being compliant and therefore negate the validity of the effort for complete internal consistency.

The proposed solution is to create a minimum one-acre land use designation falling between ER and LDR that conforms to RE-1 and R-! zoning, and providing a historic exemption to the sub-acre parcels that comprise much of Stent.

In this manner, contiguous parcels would be required to be assembled into one-acre minimum buildable properties, preserving the currently non-urbanized Stent from intense densification and urbanization during the next two decades.

Respectfully submitted on this date of October 11, 2018.
Carolyn Gorgas
David Gorgas
Dennis Gorgas
Mary Gorgas Johnson

15967 Jacksonville Road
Stent, CA

Letter I3	Carolyn Gorgas, David Gorgas, Dennis Gorgas, and Mary Gorgas Johnson October 11, 2018

I3-1 Please refer to response to comment I2-1. This comment is noted and included in the record for consideration during the public hearing.

Letter I4

From: roydeng@aol.com
To: Quincy Yaley
Subject: Re: General Plan Meetings
Date: Saturday, September 01, 2018 10:51:42 AM

Quincy Yaley,

Thank you for the contact info. We did call the Code Compliance Division. That is how we learned that there is no Noise Ordinance and that we have no recourse. This does not seen fair since we live in a residential area - not the countryside. We request, on behalf of others in the same circumstance, that something be done to help those of us who wish to enjoy nature in peace, that is why we moved here.

Thank you,

Roy and Pat Gray

-----Original Message-----
From: Quincy Yaley <QYaley@co.tuolumne.ca.us>
To: roydeng <roydeng@aol.com>
Sent: Thu, Aug 30, 2018 5:37 pm
Subject: RE: General Plan Meetings

Good evening,
Thank you for your comment. I will add it to our records and a response will be provided during the final round of documentation. If you are interested in making a complaint, you can contact Dan Butler at our Code Compliance Division at 533-5633. You are correct that the County does not have a Noise Ordinance.

Thank you,

Quincy

Quincy Yaley, AICP
Community Resource Agency Assistant Director - Development
Office (209)533-5633
Fax (209) 533-5616

From: roydeng@aol.com [roydeng@aol.com]
Sent: Thursday, August 30, 2018 2:12 PM
To: Quincy Yaley
Subject: General Plan Meetings

I4-1

I am sending you this email since my wife and I will not be able to get to any of the Town Hall meetings coming up soon to review the Draft Environmental Impact Report.
We did want to make one comment on one of the Elements to be discussed.

We note that one of the "Elements" included in the Draft General Plan is Noise!
We have been told that Tuolumne County does not have a Noise Ordinance so we have no recourse to our situation.
Is this something that can be written into the General Plan so that county residents can enjoy the peace and quiet of their surrounding forest area?

We have had a continuing problem with noise from our neighbors' chicken ranch, something that he started up 2 -3 years ago. You may know or have heard of him, Doug Kennedy, who we have attempted to communicate with but have received only sarcastic replies and basically been told to get off his property!

His attitude may have to do with the fact that we had the Tuolumne Air Quality people pay him a visit a couple of years ago when his large burn piles and smoke were becoming a dangerous condition and creating smoke over our entire neighborhood. They revoked a burn permit he said he had and required him to conform to all Tuolumne County burn requirements, which he had not previously been in compliance with and which his planned activities would not be in compliance with . I4-1 cont.

We feel that our ability to enjoy our outdoors has been significantly impacted by the noise of the rooster crowing, starting at 4:30am and continuing all day as well as the chicken noises all day long. As a reference for you I have attached two video/audio recordings taken from our deck of the type of noise we are having to put up with. Not a great environment with which to enjoy a BBQ meal on the deck. We hope that some changes to the General Plan can include something to alleviate our and future residents having to put up with this.

We will appreciate anything you can do to help us get our peaceful surroundings back.

Sincerely,

Roy & Pat Gray
16986 Big Falls Trail
Sonora, CA

Phone: 209-206-6633

PS: Just found out that the recordings exceed the 25MB size limit to attach to this email. If it is something that you think would help in arguing our point, I would be happy to bring you a flash drive of the recordings.
Please let me know if you would like them.

Letter I4	Roy and Pat Gray August 30, 2018

I4-1 The commenter does not raise issues related to the adequacy of the RDEIR. This comment is noted and included in the record for consideration during the public hearing.

From: Brian Hartsell
To: Quincy Yaley
Subject: Comment on General Plan Update
Date: Friday, August 03, 2018 7:36:11 AM

Letter I5

I have been unable to determine the designated period for comments, however, I submit the following:

The General Plan Update calls for a change in property designation from Residential Estate 1 to Low Density Residential in the area where I live. I oppose this change due to the impact of added traffic and related traffic noise. As a resident who lives on Campo Seco Road, I can tell you the amount of truck and vehicle traffic negatively impacts my quality of life. This change, coupled with the planned new stop light at Hwy. 108 and Fifth St. in Jamestown, will lead to increased traffic use on Campo Seco Road. I believe Hwy. 108 itself is a more appropriate boundary, allowing more development closer to Sonora itself, while protecting the more rural character on those to the south. Should this proposed land use designation to Low Density Residential be implemented, I suggest mitigation in the form of limitations on the size of trucks using Campo Seco Road be put in place (eliminate operation of large trucks). I5-1

Please consider my comments, and add them to the General Plan Update review documentation. I would like confirmation of receipt of this message.

Respectfully,

Brian Hartsell
11869 Campo Seco Road
Sonora, CA. 95370

Letter I5	Brian Hartsell August 3, 2018

I5-1 This comment is noted and included in the record for consideration during the public hearing. The subject property is Assessor's Parcel Number 56-330-12 and is zoned RE-1 (Residential Estate, one acre minimum) and designated as Estate Residential (ER) in the 1996 General Plan. The property is less than 2 acres in size and is inconsistent with the minimum parcel size of 2 acres in the Estate Residential land use designation. Since the zoning cannot be changed to achieve consistency with the current General Plan designation, Tuolumne County is proposing to amend the General Plan land use designation on this parcel to achieve the vertical consistency required by Government Code section 65860. See Master Response 1 for further explanation.

Many of the properties in the vicinity of Assessor's Parcel Number 56-330-12 are also proposed to be re-designated to LDR. This change would not increase allowable density in the area, as the density will continue to be restricted by the existing RE-1 zoning on the property, which allows one dwelling unit per acre. Additional units are allowed under the state Accessory Dwelling Unit regulations, as outlined in Senate Bill 229 (Wieckowski) and Assembly Bill 494 (Bloom).

Letter I6

From: Quincy Yaley
To: mkeene@mlode.com
Subject: RE: Gen"l Plan

Hi Mike,
Thanks for your email. I am at a conference but will pull the info together for you asap. Rest assured-you can submit comments after the deadline-however, the sooner the better so our staff can respond with helpful info.

Thank you,
Quincy

Quincy Yaley, AICP
Community Resource Agency Assistant Director - Development
Office (209)533-5633
Fax (209) 533-5616

From: mkeene@mlode.com [mkeene@mlode.com]
Sent: Tuesday, October 09, 2018 7:55 PM
To: Quincy Yaley
Subject: Gen'l Plan

Sorry for the last minute request. Could you give me the proposed designations for 3 parcels : APNs 032-180-001 (the rejected Dollar General site), 033-030-065 (the pedro wye property not included in the currently litigated property) and 037-190-026 (my wife's warehouse which she bought to insure a retail outlet should she ever lose her concession in the state park). My comments will follow after I receive this info. Thanks. You did a good job at the Columbia presentation, your intro was concise. informative and, w/ the chickens example, entertaining. As someone who has attended Gen'l Plan meeting for a living I am grateful that in my retirement I could hear a presentation both short and educational. Mike Keene I6-1

Letter I6	Mike Keene October 9, 2018

I6-1 This comment is noted and included in the record for consideration during the public hearing. Information regarding Assessor's Parcel Number 037-190-026 regarding the use of the building as a warehouse was provided to the commenter.

Letter I7

From: Marvin Keshner [keshner@sbcglobal.net]
Sent: Thursday, September 13, 2018 8:35 AM
To: Quincy Yaley
Subject: FW: Comments on the general plan and review process

From: Marvin Keshner [mailto:keshner@sbcglobal.net]
Sent: Thursday, September 13, 2018 8:16 AM
To: 'gyaley@co.tuolumne.ca.us'
Subject: Comments on the general plan and review process

Hi,

I have several comments on the general plan and the public review process for it.

1. The public review process should not conclude before there is a new supervisor in District 3 to actively represent the people in that district. Rushing the plan for approval at the time of an election, gives the appearance of malfeasance. The 20 year plan is already several years past due. Postponing approval until Feb, 2019 is not a significant additional delay. I7-1

2. I strongly support economic development in Tuolumne County. A key ingredient is affordable housing for new families. This requires the building of high density housing where land is inexpensive and where construction costs are low. This would favor large tracts of flat land (40 acres or more).

3. When a new tract of housing is developed, there are significant costs to the county for roads, water & sewer, schools, and so forth. As is current done in central valley communities, developers are required to contribute funds to offset those costs. This should be a part of the policy section of the plan.

4. Another ingredient for economic growth is strong communities that are attractive to young families. Parks, baseball and soccer fields, swimming pools, picnic areas and bike paths all contribute to the formation of a strong, local community. Kids play together and the parents of the kids get to know each other. Developers of affordable housing should be required to contribute land and funds for the construction of these parks and community centers. They should also be required to construct a small, local, park and playground area, as part of their 40 acre housing track. The Willow Springs park is a good example, albeit on a much larger scale. I7-2

5. Fire prevention is a key issue throughout the county. Developers of new areas should be required to construct fire breaks to protect those areas from nearby forests. They should also be required to contribute funds that will be invested to support the yearly maintenance of these fire breaks. I7-3

6. Water is another big issue. Simply expecting new homes to dig new wells may not be sufficient. Wells are already running dry. More wells could accelerate this process. We may need more water input into the aquifers to balance more water being withdrawn from wells. Or, we may require a greater allocation of surface water to support the growth in population and/or agriculture. Without access to additional water, population growth in this county may not be feasible. I7-4

Thank you for your consideration.

-- Marvin Keshner
Sonora, CA

Letter I7	Marvin Keshner September 13, 2018

I7-1 The RDEIR was published on August 27, 2018 for a 45-day review period, in compliance with Section 21091 of the Public Resources Code. According to the State CEQA Guidelines (Section 15105[a]), "[t]he public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances." The County notes that the Draft EIR was circulated in 2015-2016. The County has deemed that a 45-day review period in the instance of the RDEIR is fair and sufficient, and compliant with CEQA.

I7-2 The comment does not raise environmental issues or issues with the adequacy of the RDEIR, and is noted and included in the record for consideration during the public hearing. Policies regarding the comments in this letter can be found in the following elements of the General Plan Update:

- Economic Development - Chapter Six
- Housing/Density - Chapter 2. Also see Tuolumne County Ordinance Code Chapter 3.50 – County Services Impact Fees
- Recreation – Goal 11A and supporting policies and implementation programs. Additional requirements are found in Tuolumne County Ordinance Code section 16.26.120.

I7-3 The comment does not raise issues with the adequacy of the RDEIR. Policies regarding the contribution by developers to programs to improve fire service in the County can be found in the Chapter 9, the Public Safety Element. In addition, through Implementation Program 9.F.a, the County will consult with the Tuolumne County Fire Department to establish funding mechanisms to offset the cost of fire protection. Further, as outlined in Tuolumne County Ordinance Code Chapter 3.50, certain development projects are required to pay a County Services Impact Fee, which is used to support fire agencies. Fuel breaks and fuel load reduction projects are discussed in Implementation Programs 17.E.d, 17.D.y, 9.A.d, and 15.D.h.

I7-4 Wells and reliance on groundwater is addressed in response to comment O3-38. Use of surface water is addressed in response to comment O3-39. As addressed in those responses, individual wells may encounter performance issues, including failure, as a result of the County's fractured groundwater conditions. This is not a significant effect of the General Plan Update because the effect would be limited and Tuolumne County Ordinance Code section 13.16.060 prohibits a new water well on one property if it would prohibit the use of surrounding property. Further, sufficient surface water is available to those properties reliant on public water systems. The comment does not raise issues with the adequacy of the RDEIR.

Candra Manthey-Neff
14785 Curtis Circle
Sonora, CA 95370

Letter I8

October 8, 2018

Quincy Yaley, AICP, Assistant Director - Development
Tuolumne County Community Resources Agency
2 South Green Street
Sonora, CA 95370
Phone: (209) 533-5633 Fax: (209) 533-5616 Email: qyaley@co.tuolumne.ca.us

RE: Concerns about the General Plan Update August 2018

To Whom It May Concern:

I have 5 main concerns about the General Plan Update: Water, protection of historical significant communities, local planning commissions, Mono Village Transfer Station and recreation. I8-1

Concern #1 - Water

Water is my main concern. From my letter dated February 1, 2016 addressing the General Plan I wrote; "How can the county allow any new lots or development without adequate water? We just experienced 3 years of drought where citizens were asked to ration 30% of their household water."

From the General Plan Update:

Community Services District. 3.17-1 TUD provides water either directly or indirectly to most of the developed portions of Tuolumne County. TUD currently serves (year 2015) about 30,800 residents. In 2040, TUD anticipates serving about 51,700 residents, which represents about 82 percent of the County's total projected population of 63,243 residents, including the City of Sonora (TUD 2016a.

Impact 3.17-1: Exceed Water Supply Infrastructure Capacity or Entitlements such that New or Expanded Infrastructure or Entitlements would be Required Projected development under the General Plan Update would result in an increase in water demand. Although areas served by TUD would have adequate supplies of water without new or expanded infrastructure or entitlements ... I8-2

It makes absolutely no sense that TUD can service 20,000 more residences with the existing water system. How could TUD have adequate supplies for new development? We just experienced a 3-year drought and were required to ration 30% of our water use during those drought years. The update does address the drought but completely underplays the significance of it.

> *3.17.1 ... The County, along with much of the state, recently experienced a multi-year drought. Inadequate rainfall and snowpack reduced the runoff to the reservoirs supplying most of the water in the County. The reserved pools of water in those systems were not of adequate size to withstand a sustained drought of multiple years without either adding to the supply or rationing the water. On February 4, 2014 the Tuolumne County Board of*

1

Supervisors declared a local state of emergency because of drought conditions. This was common throughout California and not unique to Tuolumne County. The Board of Supervisors terminated the local state of emergency on August 1, 2017.

We now have a new cancer center since August 1, 2017 that will use an immense amount of water. We also have had many droughts in California's history. Is it the County's reasoning that rationing water should be a sensible way to view water use by county residents? I8-2 cont.

Concern #2 - Protect valuable historic areas

Why is there no ordinance to protect the valuable historic areas of the county such as Columbia or Soulsbyville? If there was an ordinance then Dollar General would not have even thought they could develop a large commercial property on the way to Columbia. There should be an ordinance in place to disallow large commercial development on the way to Columbia and other historic places. The update states: I8-3

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. 3.5-14

Would this policy address the development of commercial property on the way to Columbia? I doubt it.

Concern #3 - Local Planning commissions

Where are the local planning commissions? Columbia, Tuolumne, Twain Harte and Groveland should be able to decide what they think is important for their community. There needs to be Area Planning Commissions like there used to be. I see in the Update that there will be Community Plans:

COMMUNITY PLANS
Plans for five of Tuolumne County's individual communities (Jamestown, Columbia, East Sonora, Tuolumne, and Mountain Springs) have been included in the General Plan Update to provide goals and policies to address the unique character of those communities. The General Plan Update revises the Community Plans only to ensure internal consistency and improve clarity. Upon the completion of the General Plan Update process, the County intends to engage stakeholders and conduct community outreach through a comprehensive community plan process. 2-24 I8-4

I see that there are five individual community plans (Jamestown, Columbia, East Sonora, Tuolumne and Mountain Springs) that the county will control, but what about local control from the residents. Why is Mountain Springs included as one of these communities? In the Update it states that Mountain Springs has 100 people, Groveland has 2,344 people. Why isn't Groveland included? I do not believe the Community Plans of the Updated General Plan are anything like the local planning commissions we used to have.

Concern #4 Mono Village Transfer Station

I have been concerned about the transfer station in East Sonora being next to Mono Village Subdivision since it opened. I addressed my concern in 1996 at the General Plan review and was told it would be temporary. How many years has it been there I8-5

2

now - 20-25 years? It should not be next to a residential area. The residential area predates the transfer station. It needs to move. I8-5 cont.

Concern #5 - A regional park in East Sonora and other areas of the county
From my letter in January 2016 I said, "Where are the County Parks? From the General Plan 2016: "The unincorporated portion of Tuolumne County has several County-owned neighborhood parks, a sports complex, three youth centers, several public tennis courts and pools, and private golf courses and snow sport operations." How are private golf courses and snow sport operations relevant? How many county residents golf or ski? How many can afford it? "Although these facilities partially meet public demand for recreation, they collectively fall short of the County's existing need based on population (Adam Paszkowski, personal communication, August 17, 2015). While the General Plan does not propose specific park and recreation improvements, it would support the creation of a regional park in East Sonora and recreational facilities to serve the Jamestown community..."

From the General Plan Update: *Parks and Recreation Element - The 1996 General Plan established a goal of providing 30 acres of parks per 1,000 residents. This standard has been demonstrated to be infeasible; therefore, the County is proposing a revised standard of 5 acres of parks per 1,000 residents.* I8-6

It is sad that with the stroke of a pen you reduced the needs in 1996 for recreation facilities from 30 acres per 1,000 people to just 5 acres per 1,000 people in the 2018 update.

Also from the general plan update:

Based on the unincorporated County's population of 49,458 (in year 2015), and the standard of 5 acres of recreational facilities per 1,000 residents as proposed in Policy 11.A.1 of the Parks and Recreation Element, the County needs to provide a minimum of 247 acres of recreational facilities to meet existing demand from residents. As shown in Table 3.15-2, the County currently provides approximately 352 acres of recreation facilities to meet the existing demand, which exceeds the proposed County standards. As discussed in Section 3.13,

"Population and Housing," the Tuolumne County Transportation Council projects that the County's total population will increase to 63,243 by the year 2040. The County would be required to provide a total of 316 acres of parks by 2040 to meet the proposed standard using this population estimate.

.
. *The 2002 Tuolumne County Recreation Master Plan describes the parks and recreation facilities operated by the County. Table 3.15-2 below shows each of the park facilities and identifies the primary amenities and size of each facility. As shown in Table 3.15-2, Tuolumne County operates and maintains over 341 acres of parks.*
.

Table 3.15-2 County Parks Identified in 2002 Recreation Master Plan	*Acres*
Courthouse Park	*.25*
Rocca Park	*.5*
Library, Skateboard Park, and Heaven for Children Playground	*5*
Standard Park	*11*
Patterson Field	*3*

3

- *Twain Harte Swimming Pool* .5
- *Pioneer Park* 20
- *Westside Memorial Hall Park* 5
- *Lake Tulloch Marina (long-term lease on land owned California Department of Fish and Wildlife)* 296
- *Sullivan Creek* 9
- *Greenley Oaks* *(none-undeveloped)* 1
- *Quail Hollow* *(none-undeveloped)* 1
- *Total* 352.25
- *Tuolumne County Community Resources Agency Tuolumne County General Plan Update Project Draft EIR*

I8-6

I heard that the county did have park property in East Sonora but it was sold to help pay for the Law and Justice Center. How did this happen? Why is this okay? There should be some ordinance that does not allow the selling of county property. Trade property maybe, but not sell. I also believe that the property sold is the public access to the Sullivan Creek Natural area with swimming hole listed in the Update. You need to take those 9 acres off because people cannot reasonably access Sullivan Creek now. I also do not know why Lake Tulloch Marina is listed as a county park. Does the County lease it from California Department of Fish and Wildlife? Does the county maintain it? I do not think this counts as a county park. It is so far removed from the population center of the county. If you take 9 acres from Sullivan creek and 296 acres from the Lake Tulloch Marina you are left with 47.25 acres of County Parks in Tuolumne County. This is far short of the 247 acres of current need and 316 acres of projected need listed in the update. If we keep the General Plan from 1996 then we would need 30 acres per 1,000 people, a significantly greater amount of recreational facilities than the proposed general plan update.

I do support a regional park in East Sonora. I should not have to drive to Sonora or Tuolumne to walk along a public access trail. There are many health benefits to walking. We need a regional park in East Sonora that includes a public access walking and biking trail.

I8-7

These are my concerns about the general plan update. There is not enough water to service the existing population of Tuolumne County. No new development should be allowed. We need ordinances to protect historically significant communities of the county. We need local planning commissions to return to communities like Columbia, Tuolumne and Groveland. The transfer station in East Sonora needs to move away from a Mono Village Subdivision. We need a regional park in East Sonora and other areas of the county. I think this General Plan Update should be abandoned. We need to continue with the plan from 1996.

Sincerely,

Candra Manthey-Neff
Resident of Tuolumne County

Letter I8	Candra Manthey-Neff October 8, 2018

I8-1 The comment is an introductory statement that does not specifically address the content, analysis, or conclusions in the RDEIR. Responses to the commenter's specific concerns are addressed below in response to Comments I8-2 through I8-7.

I8-2 The potential for drought affects all of California, including Tuolumne County. When droughts occur, it is common that cutbacks in water use are ordered to conserve this resource. In 2014, Governor Brown called on all Californians to reduce water use by 20 percent as a result of the severe, multi-year drought (this is the same drought referenced in the comment). Other communities, including some located in Tuolumne County, were asked to conserve more than 20 percent of their water.

Regarding the statement that TUD can serve 20,000 more residences with the existing water system, the RDEIR is based on the projection that 4,332 new single-family and 827 multi-family residences (5,159 total) would be developed by 2040, the horizon year of the General Plan Update. As explained in the RDEIR (p. 3.17-16), TUD has the authority to manage (restrict) water demand during periods of water shortages, including as explained in Table 3.17-3 (rationing from 0 to up to 50 percent during "catastrophic" conditions). TUD is also collecting fees as part of new water hook-ups in order to develop water offset projects.

While rationing water is never desirable to residents, it is the reality of living in California. Thus, even after Governor Brown removed drought water restrictions by signing Executive Order (EO) B-40-17 in 2017, he also directed that water conservation is a "way of life" in California and maintained prohibitions against wasteful water use.

While Tuolumne County acknowledges the concern of the comment, no information is presented that would change the conclusions of the RDEIR. The comment does not raise issues with the adequacy of the RDEIR.

I8-3 Historic resources are managed both by the General Plan Update and the Tuolumne County Ordinance Code. In addition to complying with zoning requirements and land use designations, additional design review standards are considered when evaluating property in certain areas, such as the location of the previously proposed Dollar General in Columbia. Furthermore, impacts to historic resources are considered as part of the CEQA review for discretionary approvals. The comment does not raise issues with the adequacy of the RDEIR. This comment is noted and included in the record for consideration during the public hearing.

I8-4 Local planning commissions were eliminated in 2013. Groveland does not have a community plan because there has not been a request and effort initiated by local residents. Because community plans place an extra layer of land use regulations on an area, residents and business owners must drive an effort to establish a community plan. Previous local planning commissions were charged with implementing specific community plans when projects were brought before them that were located within a plan boundary. Today, both the Tuolumne County Planning Commission and Board of Supervisors now provide that oversight and evaluate a project in relationship to a community plan, if one has been adopted for the project area. The Mountain Springs Community Plan was adopted on October 14, 2008 as a part of the overall approval of the Mountain Springs project.

I8-5 This comment is noted and included in the record for consideration during the public hearing. The comment does not raise issues with the adequacy of the RDEIR.

I8-6 See response to comment O5-23. The requirement of 5 acres per 1,000 people is consistent with the state requirements under the Quimby Act and is consistent with the parkland provision standards of other sierra foothills counties. This comment is noted and included in the record for consideration during the public hearing.

I8-7 This comment provides a summary of the issues raised in the comment letter. Please see responses to comments I8-1 through I8-6 above.

15589 Wards Ferry Road
Sonora, CA 95370

Letter I9

October 10, 2018

BY MESSENGER & EMAIL

Tuolumne County Community Resources Agency
48 W. Yaney Ave, 4th Flr.
Sonora, CA 95370

General Plan Draft Update and Draft Recirculated Environmental Impact Report (DEIR)

Dear Sir or Madam:

My comments concern the Draft Update and DEIR focusing on the proposed changes for the agricultural land use designation and the change of designation for over 4,500 acres from agricultural use to residential, commercial, or industrial uses. I9-1

Expanded Uses on Agricultural Lands

The changes of the updated General Plan would result in rezoning under proposed changes to Title 17 which would permit a far broader range of uses on agricultural land including but not limited to schools, churches, day care centers. While the purported goal is to make agricultural lands more economically viable, such a broad expansion of uses detracts from the rural quality of the County and is contrary to the stated goal of focusing development in existing identified communities.

This broadening of allowable uses on agricultural lands contradicts the goal of the Draft Update to focus new development towards identified communities such as Columbia and Tuolumne Township, parts of which have available water and sewer service. I9-2

The proposed changes to Title 17 would allow commercial events such as wedding, parties and events which are revenue generating without any relationship to agricultural uses. For example 40 events per year with up to 300 guests per event are allowed without any requirement for a conditional use permit. Our deteriorated and narrow roads hardly provide safe access to and from such venues. For the preservation of the rural character and consideration of adjoining neighbors, any more an a few such events per year must require a conditional use permit to consider the existing conditions.

Change in Land Use

The change in land use designation of up to 5,409 acres from agricultural use to residential or other uses is certainly growth inducing but not mentioned in the DEIR as a growth inducement. See Section 5. I9-3

By letter dated September 26, 2018 sent by both email to Quincy Yaley, Assistant Director, Community Resources Agency, and personally delivered that date to the Agency, I requested additional information which I had been promised at a meeting of the Agricultural Advisory Committee, on September 20, 2018. That Committee requested that it be provided a Map of proposed changes to existing agricultural designated land identifying which parcels were being changed from an agricultural use. I asked for and was promised a copy of that map; instead all that was posted at the Main Library and at the lobby area on the 4th floor of your Agency was a map showing all proposed land uses under the proposed General Plan without any identification of the changes.

Without such a map as requested, it is hard to determine the actual impact of such a significant change of land use. From what information is available, it appears that changes are being made to conform the General Plan to current zoning which now has a number of non-conforming parcels. As stated in section 5.1.1 of the DEIR, I9-4

> "Land use changes proposed in the General Plan Update are almost exclusively built around conforming the land use map to underlying zoning and increasing the potential development density in identified communities, rather than in rural areas."

This approach needs a complete analysis in the DEIR as it ignores the basic planning concept under California law that the General Plan is the controlling document and that zoning and other land use documents must conform to the General Plan. From what limited information is available, few if any of the parcels being changed are within identified communities.

Mitigation of Conversion from Agricultural Uses

The stated Goal 8 A of the draft General Plan is to "avoid the conversion of agricultural lands expect in property determined to be infull areas". However, under Implementation many parcels less than 160 acres are excepted. The update of the General Plan allows conversion of agricultural use designated lands without mitigation for parcels up to 160 acres in size. That is certainly growth inducing but the DEIR denies such is the case. I9-5

Future conversion of land designated for agricultural uses to other uses does not require mitigation for the loss of such land use except for High-value agriculture land under the Agricultural Rating System matrix. So much of the agricultural land and character of Tuolumne County is represented by grazing lands which also sustains oak woodland and oak savannah. Much of the unirrigated grazing land may be considered less than Type 1 and therefore can be converted without mitigation. Such conversion will have a significant adverse and unmitigated impact on the habitat and special species of the County. I9-6

Utilities

The focus of the Draft General Plan is to encourage, but not require, that new development be connected to public water and sewer systems. However, for identified communities beyond the service areas for either public water or sewer service, new development is allowed without I9-7

Tuolumne County Community Resources Agency
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requiring public water or sewer systems.

The Technical Background Report at page 76 refers to Chinese Camp, Shaws Flat, and Stent with the statement made that these communities are served by private wells and no significant well issues have occurred. In fact, the Stent area has experienced significant well failures. In 2015 using an emergency drought grant from the State and local funds TUD extended a water line to serve Stent. The Table 1.5 at page 76 of the Technical Background Report shows no public water service to Stent which is no longer correct. Such obvious errors do not give one much confidence in the draft General Plan.

The draft General Plan policy promotes watershed health and improved water quality as a goal. However missing from the implementation is any mention of failing and aging septic systems. Such systems should be subject to inspection on a regular basis, especially in areas which are upsream of any of the significant streams in the County including Woods Creek, Sullivan Creek, and Curtis Creek, all of which have been on the State's list of impaired streams. I9-7 cont.

The current draft General Plan at page 3-6 under 3 E (a) provides that a density of 3 or more dwelling units per acre is required before connection to a sewer system is required. Up to 2 dwelling units per acre can use a septic system. Installing two septic systems on a single acre of land is a bad idea regardless of how well it is installed and maintained. It is unreasonable that the County would even consider approving such a development. A half acre per system may work for 15-30 years, but after that the financial burden of performing a repair can be up to $30,000 for an engineered septic system (at today's cost). Creating future problems for County residents for the sake of development is misguided.

Fire Protection - Wildfire Risks.

The Policies set forth in the draft General Plan are general in nature and do not acknowledge that Tuolumne County has the highest number of homes and structures at high wildfire risk of any county in the State. Much more specificity is required such as allowing only very low density housing to be constructed within canyons or on top of hills. Creating more subdivisions such as Ponderosa Hills which is above a tree and brush filled canyon off of Tuolumne Road with only a loop road, and a difficult to locate emergency exit, is an invitation to disaster. I9-8

The General Plan should acknowledge and attach the latest Calfire maps showing the areas of the County that are extreme high-severity fire risk sites and prohibit new subdivisions, lot splits, and other discretionary actions. There are already enough legally approved subdivision lots and parcels where development may proceed without exposing more residents to such dangers.

Code Enforcement

Little mention in made in the General Plan about enforcement of existing codes and zoning laws except to reference sign control at section 16.A.h under Implementation. That section directs the County to regulate signage to improve the visual attractiveness and appeal of the County. I9-9

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This would be an improvement if there was any expectation of enforcement which has not been evident for many years. I am informed that the County has only one code enforcement officer for the entire County (other than what the City of Sonora may have).

Lack of code enforcement is evident throughout the County. Agricultural zoned use parcels and commercial use designated parcels in several areas are littered with heavy construction equipment storage having no relationship to either agricultural uses or commercial uses. In either a lack of code enforcement due to only one officer, or a misplaced deference to the right of a property owner to ignore the General Plan, zoning, and health and safety codes, too many parcels appear to be junk yards. The draft General Plan needs to address this issue if the County is to continue to attract new residents and tourists to support our economy. I9-9 cont.

Without having complete information on documents which purport to justify the changes to the General Plan, the deadline of October 11, 2018 for comments on the DEIR is not justified. The date must be extended by at least two weeks from the time that all of the missing information is provided both in hard copy and on line. I9-10

Sincerely,

Tom Parrington
Phone 209 928-3835

TEP:co

Letter I9	Tom Parrington October 10, 2018

I9-1 The comment is an introductory statement that does not specifically address the content, analysis, or conclusions in the RDEIR. Responses to the commenter's specific concerns are addressed below in response to Comments I9-2 through I9-10.

I9-2 The RDEIR, in Impact 3.16-3 (Hazards Due to a Design Feature or Incompatible Uses, including Agritourism Uses), identified commercial events as a permitted use in AE-160, AE-80, AE-37, and A-20 zoning districts subject to the provisions of Section 17.52.220 of the Tuolumne County Ordinance Code as a potentially significant impact. Mitigation Measure 3.16-3 would require a permit to ensure that additional performance measures are in place to reduce impacts to a less than significant level. The comment does not raise issues with the adequacy of the RDEIR. No changes to the RDEIR are required.

I9-3 The RDEIR evaluates potential impacts related to growth inducement in Section 3.13, "Population and Housing," (see Impact 3.13-2) and in Chapter 5, "Other CEQA Discussions." These analyses evaluate growth inducement from implementation of the General Plan Update, including all foreseeable development resulting from projected growth through 2040. This discussion covers population inducement associated with adding residential development, as well as population inducement resulting from jobs created by increased

commercial and industrial development. Growth in Tuolumne County is not limited by the 1996 General Plan or the General Plan Update; as explained in Section 2.4.2, "Growth Projections," of the RDEIR, very limited growth in the County is expected. As shown in Table 2-2, adequate land is available to develop residential uses under the 1996 General Plan. Therefore, redesignating land from Agricultural to residential use, while increasing the inventory of land that could one day be developed, does not remove an impediment to growth through the General Plan Update horizon. It is unnecessary to break down this analysis further to focus on specific geographies or types of development, such as the growth resulting from re-designating Agricultural properties. Growth resulting from these changes is covered in the RDEIR's broader analysis of growth inducement. No changes to the RDEIR are required.

I9-4 A map was provided to the commenter on October 27, 2018, and made available on the County website. Please see Master Response 1, which includes a discussion regarding Government Code section 65860 and the requirement of vertical consistency. The analysis of the re-designation of Agricultural land is located in Chapter 3, "Environmental Impact Analysis," of the RDEIR. See also Master Response 2.

I9-5 Proposed Policy 8.A.1 requires avoidance of the conversion of land designated Agricultural. Policy 8.A.2 provides exceptions for such land that is smaller than 160 acres in size and surrounded by land designated other than Agricultural or Public (open space). Policy 8.A.2 provides a second exception for parcels less than 80 acres (among several other criteria). The RDEIR (p. 3.2-16) includes Mitigation Measure 3.2-1, which is a new implementation program that requires completion of the Tuolumne County Agricultural Rating System Matrix for any proposed non-agricultural development on land designated Agriculture. The new implementation program also requires purchase of agricultural conservation easements at a 1:1 ratio commensurate with the type of High-Value Agricultural Land that would be converted by the project. (Note that changes to this mitigation measure are identified in Chapter 4, "Revisions to the Draft EIR," of this document, and the changes expand the mitigation measure to include Important Farmland. See response to comment O6-3 and Master Response 3 for an explanation of this revision.) The new implementation program does not identify a minimum parcel size for this requirement. The RDEIR concludes that the impact would remain significant and unavoidable after implementation of this mitigation measure.

Regarding growth inducement, see response to comment I9-3 above, which discusses the RDEIR's evaluation of growth inducement, and that the RDEIR did not need to include an isolated examination of growth inducement resulting from the re-designation of Agricultural land. The contribution to growth associated with these re-designations is included in the overall analysis. No changes to the RDEIR are necessary.

I9-6 Where grazing land that also sustains oak woodland or oak savannah is proposed for development of another use, projects would be required to determine whether the loss would be significant pursuant to Policy 16.B.5. The potential for loss or degradation of oak woodlands and other sensitive natural communities is evaluated in Section 3.4, "Biological Resources," of the RDEIR under Impact 3.4-2 (Loss or Degradation of Riparian, Oak Woodland, and Other Sensitive Natural Communities). Mitigation Measure 3.4-2 would reduce this potentially significant impact to a less-than-significant level. Disturbance or loss of special-status plant and animal species is evaluated under Impact 3.4-1 (Disturbance or Loss of Special-Status Plant and Animal Species) and determined to be less than significant.

I9-7 This comment is noted and included in the record for consideration during the public hearing. The Technical Background Report has been modified to indicate that public water is now available in the Stent community. Failing septic systems are addressed through the Tuolumne County Ordinance Code and the Local Agency Management Plan (LAMP), adopted

by the Board of Supervisors on February 20, 2018. Impaired streams are discussed in the LAMP. The RDEIR includes analysis of public utilities including water supply and wastewater. See also response to comment O3-37 regarding wells and groundwater. The comment does not raise issues related to the adequacy of the RDEIR.

I9-8 See Master Response 6 related to fire safety. The RDEIR includes analysis related to potential impacts associated with wildland fire, as well as impacts related to fire protection service. The comment does not raise issues with the adequacy of the RDEIR. This comment is noted and included in the record for consideration during the public hearing.

I9-9 Violations of the Tuolumne County Ordinance Code are managed and investigated by the Code Compliance Division of the Community Resources Agency. Per Board of Supervisors direction, code investigations are complaint-driven. Also pursuant the direction from the Board of Supervisors, complaints related to cannabis, substandard housing, and life safety issues are given priority. Grading violations are inspected and handled by the Public Works Division of the Community Resources Agency. The County has one Code Compliance Investigator and one Grading Inspector. Compliance with Tuolumne County Ordinance Code is appropriate for the policies of the Board of Supervisors and the Community Resources Agency and not a general plan. Specific information regarding Code Compliance can be found in Tuolumne County Ordinance Code Chapter 1.10.

I9-10 See response to comments I1-2 and I1-6 regarding availability of information. The RDEIR was published on August 27, 2018 for a 45-day review period, in compliance with Section 21091 of the Public Resources Code.

BOS

Letter I10

Dennis Randall, Cedar Ridge

October 11, 2018

RECEIVED
OCT 11 2018
Board of Supervisors

General Plan Update Comments

Mr. Chairman and Members of the Tuolumne County Board of Supervisors,

You may know me as a former officer of a Tuolumne County Fire Department volunteer fire company for 30 years.

I join with others present **to request that the BOS extend the time period for individual comments at the upcoming hearing.** I10-1

I also join to **request the Board to postpone the approval of the Draft General Plan Update until after the election and the seating of at least one new board member.** There is good reason extend the opportunity for comment and revision.

My support for this delay was peaked when I read the following in the DEIR:

> **(Paraphrasing) The impact of the anticipated growth on fire protection will be "less than significant" due to the "excess capacity within TCFD", and that new or expanded facilities or equipment would not be required to accommodate anticipated growth.**

In California, due to disastrous loss of life and property in recent years, **no community should assume it has excess fire suppression capacity.** In the light of these conflagrations, every county should critically evaluate their fire first response capability. All prospective business and every prospective homeowner considering relocation to Tuolumne County should do the same. The risks, and the cost of insuring those risks (if available), must be weighed against the benefits of remaining in or relocation to our community. I10-2

The conclusion of excess capacity was based on misleading information. Planning based on this erroneous premise needs review. If I spotted this error so quickly, how many more have we over looked.

Both the Draft EIR and the Technical Background Report appear to use the Tuolumne County website as the source. Errors there grossly inflate TCFD personnel resources, misleading the document authors (and inhibiting volunteer recruitment). The fire department administration is aware, but "nobody can fix it".

Staffing

The paid staffing figures are accurate, but keep in mind that the numbers in the Table 3.14-1 are the weekly total count of union-wage full-time state employees (FTE) normally standing 72 hour shifts at the respective stations. About 3shifts are required to staff each station each week. The number of on-duty firefighters at any given time is two (2) at each of the two year-round county-funded stations. TCFD

funds two off-season (winter) CALFIRE engines staffed daily with 2 fireighters. Some "relief firefighters" (AKA "residents" or "interns") are also often available at these paid stations. They are part - time, scheduled, non-benefited, county temporary employees. Some volunteers may also be available at these stations. Volunteers are not scheduled, and only paid for certain "state responsibility" assignments.

Volunteer station staffing presented on the county website is merely aspirational. The number of volunteers reported for each station is a goal (or limit) the fire department administration seeks to enroll. Several of the volunteer stations listed are actually either severely understaffed, unstaffed, or effectively closed. (Experience has shown that a volunteer station must have about 12 or more firefighters enrolled to provide 90% reliability.) The website also omits some volunteer stations that had been active within the last 30 years, or were operated in cooperation with districts, and were critical to actualizing the TCFD Stabilization Plan coverage goals.

Evaluating staffing requirements requires some standards for reference. The National Fire Protection Association would require 50 to 100 year-round on-duty firefighters within our county. In contrast, excluding seasonal CALFIRE and USFS wildland resources, we actually have about 20 paid, including all locally funded jurisdictions (TCFD, Sonora City and districts). CALFIRE usually also staffs each of its 9 local seasonal engines with 4 in this county for a total of 46 paid in the summer. Paid staff is augmented by a corps of less than 100 trained volunteers, residents and interns who are expected (required) to attend about one fifth of all responses, for an expectation of less than 48 additional responders. That yields a grand expectancy of 96 scattered over 2,200 square mile, or 1 Firefighter per 23 square miles. We have about one firefighter per 27 square mile hypothetical 3 mile response zone. About 5 for each of the Identified Communities, if they were evenly distributed. That yields an expectation of 1 firefighter per Identified Community. I10-2 cont.

NFPA and CALOSHA require four (4) firefighters at a fire scene before anyone can enter a burning building. (There are some exceptions.) However, we only have a regular staff of 2 at almost all locally-funded stations. Entry, and often safe aggressive interior fire suppression is therefore delayed until a second engine or volunteers also arrive at scene. Prompt, adequate staffing is only likely to occur in a in the core of the Hwy 108 corridor from Sugar Pine to Jamestown, within Sonora City and some locations between there and Columbia (not Columbia itself), and within central Tuolumne and the Rancheria. Some stations are over 20 miles from the county seat.

Fire Vehicles

The DGP cites the 1993 TCFD Stabilization Plan in several places. I participated in formulating that plan. Again, that plan was aspirational. Although it realized several goals. It fell short of several objectives. The revenue measure it put in place was rescinded prematurely, aborting some plans. This forced TCFD to cancel part of a purchase order for several replacement fire engines.

At least two fire engines still in service are now over 30 years old. About 10 more, purchased under the Stabilization Plan, are approaching twenty (20) years of service. No equipment replacement reserve find has been established.

Facilities

One of the two year-round TCFD stations is at Jamestown. It is jointly funded by TCFD, Jamestown FPD and a federal grant. Fire apparatus (engines) are housed in the district's building, but the living/sleeping quarters for employees (serving 72 hour shifts) is a portable building. All but one of the existing TCFD volunteer stations lack code approved sleeping quarters and could not accommodate paid staff without additions to the buildings (or adjusting shift schedules to less than 12 hours). At least one station even lacks bathing facilities. Portions of two stations are rented to community organizations, and portions of two others are rented to house USFS engines and offices.

Response times

You can take your pick on recommended response times or distances. TCFD adopted, and the Stabilization Plan reinforced, a goal of placing a fire company within seven (7) minutes of every "developed" community. The Matrix Consulting Group, contracted to prepare a study of fire department needs in our county, refers to an NFPA standard of six (6) minutes which would be equivalent to about six (6) miles on highways or three (3) miles on many county roads. Many insurance companies are turning down clients more than five (5) miles from a paid station having jurisdiction. The Insurance Services Office (ISO) adopts one and one-half (1 1/2) miles for commercial and industrial sites, and three (3) miles for residences.

Keep these facts in mind when considering response distances:

- CPR must start within 4-6 minutes of the time of respiratory or cardiac arrest.
- A fire in a home is expected to "flash-over" in 6 minutes, extending to the entire structure.
- In modern (within the last twenty years) lightweight constructed buildings, roofs and floors will collapse in less than 15 minutes. I10-2 cont.
- With a very moderate fire spread rate (30 chains per hour) a vegetation fire will approach three (3) acres in ten (10) minutes.

Despite these standards we have (3) miles from any existing fire station one pre-approved planned community (Mt. Springs) more than three. The proposed road map, and adjacent existing egress roads, pose a high risk for resident and emergency responder of fire entrapment. When built out this community will be no bigger than Cedar Ridge. At the present TCFD tax allocation rate (0.049%), the assessed valuation in Mt. Springs will need to exceed six hundred million dollars ($600,000,000) to fund the annual cost of a paid station ($500,000). It may not attract the type of residents that will offer volunteer service.

Without the indulgence of the City of Sonora by extending auto aid first response, all of the Apple Valley Estates/Ranches would be six miles from a TCFD facility. Because the county road system offers no alternate escape route, residents of this community are very vulnerable to entrapment.

Within the East Sonora Community plan for development, Quail Ridge Ranch is beyond 3 miles from a TCFD station with jurisdiction. Quail Hollow, and Greenley Oaks are also ripe for entrapment.

Portions of the Lake Don Pedro subdivision, a community identified for growth, are now more than 6 miles from the station, and a larger area beyond three miles.

Within the TCFD Service Area, I identify 10 other small communities, not targeted for growth, that are more than 6 miles from any fire station. Another 19 are more than 3 miles away.

The GP does ask for support of TCFD volunteer recruitment efforts. If TCFD fails to restore its volunteer enrollment or convert stations to paid staff, we add six (6) more communities beyond six (6) miles: Pinecrest, Cold Springs*, Peter Pam, Smith Station, Long Barn*, Chinese Camp,* and about half of Cedar Ridge*. Beyond three (3) miles we would have an additional ten (10) for a combined population exceeding five thousand (5,000), including: Leland Meadows, the remainder of Cedar Ridge*, Comstock Ranch, Crystal Falls*, Sonora Meadows, Belleview Oaks, Phoenix Lake Estates, White Oaks Estates, Mono Vista/Chapparel Estates, Willow Springs/Soulsbyville*,and Arastraville/Ponderosa Hills. Within these areas, all of Cedar Ridge, Comstock Ranch, Phoenix Lake Estates, Willow Springs and Ponderosa Hills offer high risk of entrapment. (Starred areas are "Identified Communities for growth.) I10-2 cont.

The State already requires real estate agents to notify buyers in the State Responsibility Area that Cal Fire is not responsible to provide structural fire suppression service. Our county should also require appropriate notification to buyers in High and Very High wildland fire risk zones. Buyers in areas with volunteer firefighter first response should also be notified of that fact. This might help to direct growth to lower risk neighborhoods, promote volunteer recruitment, and encourage funding of more paid firefighters.

High Fire Risk Zones

The wildland fire risk zone map is two-dimensional. I appears to emphasize the "Burning Index" or the "Energy Release Component" which predict resistance to extinguishment and ground slope, which helps forecast intensity and spread rate. It places little emphasis on the Ignition Component" (the ease of fire starts), the "Spread Component" (rate of propagation), and the length of the typical fire season. Each proposed development sites needs independent evaluation of these and other factors to derive actual fire risk. I10-3

Despite repeated declarations to inhibit or mitigate new construction in high or very high fire severity zones, (81%), thirteen (13) of sixteen (16) of the Identified Communities in the Community Planning Areas designated for residential growth are in the Very High Fire Severity zone. Six (6) of these Identified Communities, nearly 37% of our population, rely on a volunteer fire company for response within 3 miles.

Entrapment

The General Plan should have great concern to prevent the possibility of entrapment of citizens and emergency responders. It expresses concern to mitigate and refers to TC Ordinance Code Chapter 1.12 requirements for alternate (more than one entrance) egress for new developments. It does not present any broad standards to avoid two common patterns vulnerable for entrapment: long blind-end residential roads, and pocket subdivisions with a single egress or few closely spaced exits to a single compromised secondary collector. The General Plan Update proposes no new standards for critical I10-4

distances on a single road extended into a high wildfire risk area. It proposes no new standard restricting the number of homes that may be served by a single exit road.

Water Supply

Water supply is a critical condition for effective fire control within developments. The Insurance Services Office (ISO) uses fire water flow as the primary determinate for rating a neighborhood's fire protection and subsequent insurance rates.

As a former water tender operator, I am well aware how remote some neighborhoods are from public water system hydrants or alternative draft sites. Accessible water is very scarce in the west county where grass fires spread very rapidly and often have potential to extend into more developed areas.

Tuolumne County needs to be creative in developing cooperative programs to provide better fire department access the untreated water storage facilities, ditches and ponds.

County Code Title 15, and present zoning, require fire hydrants in all "urban" land use designations including Low Density Residential with two (2) acre lot sizes. It is consistent by also applying this to Rural Estate designation R-2 zoning (two acre lots). However, it does not require public water RE-3, RE-5 or RE-10, "nor is demand desired" because that "would promote denser development". This further discourages fire hydrants, increases fire risk, and insurance rates in rural residential areas (ER, HR, RR and LR). Homes in these low density rural settings may be very vulnerable to rapid fire spread and spotting to adjacent occupancies. These policies should be revisited taking into account the average distances between homes, the annual 90th percentile of predicted fire spread rates and existing fire department response time. I10-4 cont.

The General Plan requires developers to provide new fire hydrants "in a timely manner" (GP 9.G.d). The DEIR Utilities Element states that public [water] services be in place "prior to occupancy of the development". In both cases the documents should declare that developers must provide public water fire flow before any "building construction".

The General Plan also proposes to "revise and enforce County fire protection regulation" for defensible space per CA PRC 4290. Such revision should also require "defensible space" prior to and during construction.

Establishing and maintaining defensible space is problematic in urban and smaller lot rural residential areas because required clearance distance may extend beyond property lines. Within "urban" areas a fire hazard abatement ordinance should be adopted and enforced to require vegetation management on all lands within the required defensible space of all existing structures, including the maintenance of undeveloped parcels. A mitigation program is needed that, after timely notification, allows the county to intervene at the owners expense.

The plan recommends increasing setbacks on "rural" areas to allow full compliance with PRC 4290 defensible space without crossing property lines.

Electrical Utilities

Although electrical distribution lines have been determined to be a common cause of catastrophic vegetation fires, the plan offers no proposal to encourage underground service.

Debris burning

The Plan proposes no new standards for debris burning beyond state law. Those regulations only apply during state declared "fire season". Our county must devise some regulation of burning in "urban" areas other than the operator's liability for destroying another person's property.

I10-4 cont.

For these reasons the General Plan documents need further review, comment and revision.

Dennis Randall

Letter I10	Dennis Randall October 11, 2018

I10-1 The comment does not address the content, analysis, or conclusions in the RDEIR. The RDEIR was published on August 27, 2018 for a 45-day review period, in compliance with Section 21091 of the Public Resources Code. All comments will be provided to the Board of Supervisors for their consideration prior to making a decision on the General Plan Update.

I10-2 See Master Response 6 related to fire safety. Please also see response to comment O5-20. The comment raises issues concerning the staffing volunteer positions as they relate to National Fire Protection Association requirements. It should be noted that, after further coordination with TCFD, corrections to staffing levels identified in the RDEIR were made and are reflected in Chapter 4, "Revisions to the Draft EIR." The commenter provides information related to response times, but does not identify any issues with the information provided in the RDEIR regarding emergency response. Note that response time information was provided by Steve Gregory, the Tuolumne County Fire Investigator (see page 3.14-2 of the RDEIR):

> TCFD does not use the National Fire Protection Association standard for fire protection services that requires 1-2 firefighters per 1,000 residents because this standard does not fit TCFD's personnel resources and service population. Fire services within the County are provided by a mix of professional and volunteer firefighters and mutual aid agreements among the fire service agencies. The populations of the City of Sonora and the communities of Columbia, Twain Harte, Strawberry/Pinecrest, Mi-Wuk/Sugar Pine and Tuolumne are serviced by fire departments separate from TCFD. For urban areas, the TCFD response time is an average of 9 minutes; suburban areas have a response time of 10 minutes; rural areas have a response time of 14 minutes; and remote areas have response times dependent directly on travel distance (Gregory, pers. comm., 2018a; NFPA 2018).

The comment also points out the interconnected relationships between the County, CAL FIRE, and the U.S. Department of Agriculture (U.S. Forest Service) in fire protection and suppression in the County, and this is consistent with the overall nature of the analysis in the RDEIR. Importantly, the analysis in the RDEIR is not required to evaluate the level of staffing, per se, but whether new fire protection facilities would need to be constructed, and whether such construction would result in a significant impact to the environment. This is consistent with the State CEQA Guidelines (see Appendix G, Topic XIV). Because the policies of the General Plan Update are intended to direct growth to the identified communities serviced by fire-fighting facilities (as also suggested in the comment), and population growth through the General Plan Update horizon year of 2040 is expected to be modest, new fire-fighting facilities beyond those existing and approved are not anticipated to be needed.

Finally, the commenter raises the notion that, with the "disastrous loss of life and property in recent years," prospective homeowners and businesses should consider fire-fighting capacity and the merits relating to a community with a high fire risk. The comment does not address the contents of the RDEIR, and provides social commentary that is beyond the technical nature of the RDEIR.

Also, see Section 3.9, "Hazards and Hazardous Materials," of the RDEIR, including the various policies intended to reduce wildfire hazards in the new development that would be constructed under the General Plan Update. No evidence is presented in the comment to suggest the General Plan Update would result in significant environmental impacts that are not already addressed in the RDEIR.

I10-3 Exhibit 3.9-1 of the RDEIR depicts the location of Identified Communities and moderate, high, and very high fire hazard severity zones, and page 3.9-7 lists the various communities at risk of wildfire. The comment does not identify specific concerns with regards to the RDEIR analysis. Also, please see response to comment O5-20 regarding wildfire hazards.

I10-4 See Master Response 6 regarding fire safety and response to comment O5-20. The General Plan policies and land use diagram are designed to promote a land use pattern that maximizes access to public services and utilities, including water supply. Implementation Program 9.B.h requires implementation of the Tuolumne County Multi-Jurisdictional Hazard Mitigation Plan, which includes actions for water provision and adequate fire flow, as well as emergency evacuation planning. Implementation Program 9.E.b requires that new development be provided with access roads that allow for safe and efficient response by emergency apparatus and the safe evacuation of residents in the event of structural or wildland fire. Implementation Program 9.G.c requires the County to revise its development standards as necessary to reflect contemporary fire prevention and protection practices and measures and to determine that needed fire protection infrastructure, including road networks and water systems, are installed and maintained. The County has also been addressing the threat of fire from dead and dying trees. The removal of dead trees within Tuolumne County, with much of the work occurring within identified communities, is reducing wildfire risks to the existing landscape. This effort will continue into the planning horizon of the General Plan Update. The application and enforcement of Public Resources Code sections 4290 and 4291, as well as the provisions of The California State Fire Marshal's "Wildland Urban Interface" regulations, contained in Title 24 of the California Code of Regulations address, in part, how new buildings and sites should be arranged and constructed to allow for greater access, improved evacuation routes, consistent maintenance of defensible space and the reduction of conflagration of structures.

The RDEIR evaluates impacts related to wildland fire. The comment does not raise issues related to the adequacy of the RDEIR.

From: nichole horvath
To: Quincy Yaley
Subject: 2018 Tuolumne County General Plan Date
Date: Thursday, October 11, 2018 10:13:03 AM

Letter I5

Subject: 2018 Tuolumne County General Plan Update

Dear Board of Supervisors,

As a longtime Tuolumne County family with a century-old ranching tradition, and as property owners in Stent, we are collectively expressing our concerns regarding specific aspects of the 2018 Tuolumne County General Plan Update.

While there are many areas causing concern, the most pressing of them to express in this brief public comment period relate to the rapidly escalating traffic intensity, noise and public safety issues on Jacksonville Road, Stent Cut Off and Algerine Road, and the density-increasing proposed changes to local land use designations including or surrounding— and therefore impacting — our property use, private property rights and the right to our quiet enjoyment of our historic Stent Community.

The intensifying use of Jacksonville Road by passenger and commercial traffic is incrementally creating a public safety hazard that has visibility worsened in that last few years.

The General Plan Update resoundingly failed to address the local impacts to Stent Community due to unmitigated traffic increases and the realistic anticipation of a lack of law enforcement resources to maintain order and public safety on our roadways where we travel daily with our children and grandchildren as passengers in our vehicles.

To be clear, Jacksonville Road is a county maintained road and not a state maintained road, yet it has become a de facto state highway in many respects and an abused alternate route providing the added incentive of a high speed short cut with limited law enforcement presence at significant current and future impact to Stent Community.

This is unacceptable now and is unacceptable during the two decades that this updated general plan will be in force guiding the growth and development of government directed and sanctioned urbanization of Stent. I11-1

Jacksonville Road's historical use was abruptly changed by heavy-handed government intervention a half century ago with the realignment of Jacksonville Road at the time of the Don Pedro Reservoir expansion.

Now, the permissible growth pattern set for Stent as suggested by the proposed land use designation will over time transform Stent into a congested and noisy community,

We are stating for public comment on this matter that this is not acceptable to us.

Despite the state requirement for zoning and land use designation in the general plan to be internally consistent, changing Estate Residential (ER) parcels to Low Density Residential (LDR) in Stent will still exclude many small parcels from being compliant and therefore negate the validity of the effort for complete internal consistency.

The proposed solution is to create a minimum one-acre land use designation falling between ER and LDR that conforms to RE-1 and R-!zoning, and providing a historic exemption to the sub-acre parcels that comprise much of Stent.

In this manner, contiguous parcels would be required to be assembled into one-acre minimum buildable properties, preserving the currently non-urbanized Stent from intense densification and urbanization during the next two decades.

Respectfully submitted on this date of October 11, 2018.

Renalda Salyers
Nikki Salyers
Jason Pender
Brody Salyers
15650 Sardella Place, Stent, CA

15750 Sardella Place, Stent, CA

Letter I11	Renalda Salyers, Nikki Salyers, Jason Pender, and Brody Salyers October 11, 2018

I11-1 This comment is similar to comment letter I2. Please see response to comment I2-1.

From: david scheller
To: Quincy Yaley
Subject: General plan correction
Date: Monday, October 08, 2018 10:46:44 AM

Letter I12

Good morning. This parcel number 039-010-33-000 is a 7 acre parcel that is currently zoned AE 37 and was submitted for zoning change to RE 3 for the general plan update as it will match surrounding zoning. Some how this missed the change when I saw the map for the new general plan. Any questions. 209-728-5997. Thank you. Dave scheller
Sent from my iPhone

I12-1

Letter I12	Dave Scheller October 8, 2018

I12-1 This comment is regarding Assessor's Parcel Number 39-010-33, which currently has a General Plan land use designation of Agricultural and is zoned AE-37. The General Plan Update does not propose to change the land use designation for this parcel. The commenter requests to change the zoning to RE-3 (Residential Estate, three acre minimum) as a part of the General Plan Update. The General Plan Update is not changing zoning designations on parcels. Changes to the General Plan Update recommended by the public will be addressed in the staff report to the Planning Commission and Board of Supervisors. This comment does not raise environmental issues or issues related to the adequacy of the RDEIR.

Letter I13

From: Mary Kerr [maryahnaian@yahoo.com]
Sent: Thursday, October 11, 2018 2:23 PM
To: Quincy Yaley
Cc: David Gonzalves; Karl Rodefer
Subject: Response to General Plan Update re: Stent

Good afternoon Ms. Yaley,

The petition I signed along with 64 other residents of Stent, Quartz, and other Jamestown neighborhoods, and given to you by Donna Vingo, covers most of my concerns regarding Stent's inclusion in the General Plan. That being said, I would like to speak to what kind of neighborhood we are since the authors of the plan and the Board of Supervisors do not seem to understand what Stent is and a quick drive by on Jacksonville Road does little to further your understanding.

To begin with, I find the usage of the word "community" to describe Stent problematic. Stent is not a designated community in the General Plan and to refer to it as anything more than an extremely rural neighborhood is to show a clear misunderstanding of what Stent is. Stent has not been a community since the fire in 1906 destroyed the town. It is a hodgepodge of a very small number of homes original to the town, the Poverty Hill schoolhouse, the graveyard, and stick, mobile, and manufactured homes.

The people who live here are a combination of long time, multi generational residents and newcomers to Stent and Tuolumne County; we are a mix of ethnicities, religious and political beliefs, socio-economic backgrounds, educations, and sexual orientations. What we all have in common though is that we have chosen to live in an extremely rural area, away from classic neighborhoods with higher density housing and the services available to those who live in more traditional neighborhoods. We are an overwhelmingly self sufficient group of people, the vast majority of whom have livestock of one kind or another.

I find the wording regarding the keeping of livestock to be vague and I find the vagueness to be concerning. To state that general farming and ranching is allowable as long as it is "not detrimental to neighboring properties" (Section 17.24.020 D) does little to nothing to protect our rights to continued livestock ownership. There is not amongst us residents a single person who believes that if low density housing is built in our neighborhood, livestock will not become an issue and that we will not be told that we can no longer keep our goats, chickens, roosters, alpacas, pigs, cattle, sheep, ducks, geese, guinea hens, turkeys, or livestock guardian dogs whose job it is to keep our livestock safe and do so by barking pretty much all day. When one moves to a rural area, one expects to hear the noises associated with the keeping of livestock and one expects to deal with the smells associated with the keeping of livestock; when one moves to a low density neighborhood, one does not expect to deal with any of that. Our rights to continue to own livestock either as pets or as a source of food or income are not being protected by the verbiage in this plan and to continue to tell us that it does is patently untrue and borders on condescending. I13-1

I have been coming to Tuolumne County for almost 30 years to visit family and my husband and I made a well thought out and researched decision to purchase in Stent in 2012 and move here full time in 2015. I was raised in San Mateo and lived there almost my entire life. I moved to Stent to get away from the type of housing that this county is proposing for my neighborhood. I have chosen to live privately and away from overbuilt communities with my husband and our dogs, cats, goats, hens, and rooster. If I wanted to live in a low density neighborhood, I would have chosen a home in Sonora or Jamestown proper...I didn't which is why I moved here. It is why the majority of my neighbors moved here. It is why all of us have chosen to live in Stent.

I understand that with growth, comes change, and I respect that. However that growth must be organic in order for it work. Successful and organic "urbanization" radiates out from populated areas, eventually taking over and consuming the more rural areas. This type of organic growth is what happened successfully and steadily over the course of decades on the San Francisco Peninsula as San Francisco sprawled slowly south, consuming traditionally rural and agricultural areas such as Broadmoor and East Palo Alto. We can look more close to home to see what happens when "urbanization" is inorganically thrust upon rural communities: Copperopolis Town Square is not a resounding success by any stretch of the imagination and the bedroom communities in Manteca and Modesto have done little to enhance the rural areas they were built upon or their cities at large. I don't want to see Tuolumne County become the Valley, and I don't think any of us want that, but forcing growth upon outlying rural communities inorganically is where the valley-ization begins.

I would like to extend an invitation to anyone involved in the drafting of, and voting on, the General Plan, to come and spend some time here in Stent with the actual people who will be impacted if this is approved. Walk our unpaved roads, see our hodgepodge of homes and properties, meet the livestock, enjoy the quiet of the day that is only interrupted by the occasional car driving by or dog barking or rooster crowing or rifle being shot, spend a clear evening marveling at the night sky whilst surrounded by darkness and quiet, ask us why we chose to live here, and then look us in the eye and tell us with a straight face that you are protecting our rights as property owners and residents.

With warmest regards,
Mary Smith
16246 Placer Street
Jamestown

Letter I13	Mary Smith October 11, 2018

I13-1 See Master Response 1 regarding land use changes in the Stent/Quartz community. Further, it will be recommended to remove the text “not detrimental to neighboring properties” from the draft revisions to Title 17, Tuolumne County Ordinance Code section 17.24.020(D), 17.26.020(D), 17.28.020(D), and 17.29.020(B). The remaining comments are noted and included in the record for consideration during the public hearing.

Letter I14

10/8/18

Comment on the 2018 Draft Tuolumne County General Plan and Environmental Impact Report

Quincy Yaley
At:
qyaley@co.tuolumne.ca.us

I am requesting a change to Proposed Amendments to Title 17

Chapter 17.52

17.52.220 Commercial events on agricultural land

C. Standards for commercial events:

2. The event venue, excluding parking areas, shall be located at least 200 feet from the boundary of the nearest parcel zoned R o RE.

 # 2. The event venue, excluding parking areas, shall be located at least 200 feet from the nearest residence zoned R o RE. I14-1

The purpose of this change is not to protect the "parcel" but to protect the residence.

Many parcels are not and may never develop.

If you could imagine an adjoining parcel being 2.5 acres', and square, each side would be 330.'

A square 5 acres has side lengths of 466 feet.

A square 40 acres has side lengths of 1,320 feet (1/4 mile) each.

A square 99 acres has a length and width of 2,077 feet.

Many smaller parcels are not square, and the distance could be much grater to the residence.

Sincerely: Jay Watson

Indigenyreserve

Cedar Ridge Apple Ranch LLC

209-533-9463

Roundtopmt@msn.com

Letter I14	Jay Watson October 8, 2018

I14-1 The comment does not raise issues related to the adequacy of the RDEIR. This comment is directed at the proposed language of Section 17.52.220 in the Tuolumne County Ordinance Code. The comment is requesting that the language of Section 17.52.220 measure distances from the nearest residence rather than the nearest property line of a parcel zoned “R” or “RE.”

It should be noted that the commenter's indication that Title 17 restrictions are "not to protect the 'parcel' but to protect the residence is incorrect. Residents are not confined to the interiors of their homes. These protections reduce potential disruption to residential neighbors using the exteriors of their properties.

Further, the proposed language of Section 17.52.220 identifies the nearest property line as the measurement location because it is generally a fixed location, unlike location of the nearest house, which could change. A property owner could build a new or second residence, which could then place an approved agritourism operation into non-compliance if the measurement was taken to the nearest residence. By measuring from the property line, it adds a level of certainty to the analysis of potential impacts to off-site residences. Staff will not recommend the changes identified by the commenter.

Letter I15

From: Donna C. Wilhelm [mailto:dona@mlode.com]
Sent: Wednesday, October 10, 2018 9:23 PM
To: Alicia Jamar
Subject: Letter to all the Board of Supervisors/GP

My husband and I have lived in Tuolumne County for over 35 years. We've retired, bought a business, retired then worked in Real Estate.
We love our community and wouldn't want to live anywhere else. This is why we are writing to ask you to postpone voting on the "General Plan" until there can be more discussion. I15-1
Very concerned about our environment and growing too fast before services can adequately sever the people.
We have seen our community jump before looking. There is time!!!!
Thank you for your time,
Donna and Bob Wilhelm
21301 Ridgeview Dr
209-533-3656
dona@mlode.com

Letter I15	Donna and Bob Wilhelm October 10, 2018

I15-1 The comment does not address the content, analysis, or conclusions in the RDEIR. The RDEIR was published on August 27, 2018 for a 45-day review period, in compliance with Section 21091 of the Public Resources Code. However, all comments will be provided to the Board of Supervisors for their consideration prior to making a decision on the project.

For a discussion of the potential effects of the General Plan Update on the environment and the availability of public services, refer to the analysis in Chapter 3, "Environmental Impact Analysis," of the RDEIR.

October 9, 2018

Letter I16

Attn: Quincy Yaley, Community Resources Agency Assistant Director
Tuolumne County Community Resources Agency
2 South Green Street
Sonora, CA 95370

Regarding: **Tuolumne County General Plan Update**

Dear Ms. Yaley:

I am concerned by the missing planning mitigation implementation programs for expected **cumulatively significant impacts**, as defined by the California Environmental Quality Act (CEQA), in the draft Tuolumne County General Plan Update. Especially missing are programs contained in the existing Tuolumne County General Plan to address impacts from development on Biological Resources, Open Space, Water Resources, and Agricultural Resources. In my opinion, this latest revision may open the County to expensive potential law suits due to the inadequacy of some of the implementation programs for Biological Resources, Open Space, Water Resources, and Agricultural Resources. The money spent on defending the County from law suits over an inadequate General Plan would be better spent on repairing roads, adding to fire protection resources, and police protection resources. I16-1

The General Plan Update Draft Environmental Impact Report (EIR) and **Policy 16.B.2** incorrectly states that timber harvesting activities and agricultural activities are compatible with the conservation of Open Space for Biological Resource values. In fact these activities have been studied over the past decades and documented as threatening special status plant populations, as well as threatening special status fish and aquatic animal populations in streams. Timber plantations may clear cut all trees, may use herbicides to remove plants other than timber, and may use pesticides to control wood boring beetles and other pests. Similarly, agricultural lands may plow up fields or use herbicides to remove all native vegetation for the planting of crops like vineyards, may use pesticides to control rodents and insects that destroy crops or parasitize animals. These timber and agricultural areas allow development of facilities that process their products. These timberland and agricultural practices are harmful to wildlife and their habitats. As currently written, the assumption of conservation of Biological Resource values in timberlands and agricultural lands is **scientifically inaccurate**. I16-2

The General Plan Update Draft EIR incorrectly states that the large amount of public lands within Tuolumne County will provide for biological resources, when in fact a number of special status plant populations, as well as special status fish and aquatic animals in Tuolumne County are located on **private** lands, like the "Mother Lode" serpentine rock belt. These special status plants, fish and aquatic animals are unable to walk to public lands for protection. Even if they could walk, their habitat requirements may not be suited to the public lands in Tuolumne County, which are mostly higher elevation forests. The voluntary mitigation banking program proposed in **Implementation Program 16.C.a** may be feasible for replanting oak trees removed from development sites, but not adequate for relocating Special Status Species. The relocation of Special Status plant populations, for instance, has had only marginal success in California. I16-3

The General Plan Update**, Policy 16.B.6**, as currently proposed for Biological Resources, recommends only retaining the County's 1996 "Wildlife Handbook" as an **alternative** Implementation Program**.** Yet that "Wildlife Handbook" has served to **mitigate cumulatively**

1

TC General Plan Update Comments, R. Wood

significant impacts to the County's biological resources since 1987. Individual mitigation programs must meet or exceed those in the "Wildlife Handbook" in order to continue to address the cumulatively significant impacts from over-all development on the County's biological resources, **including disruption from new utility services, new or widened roads, new public service facilities, new schools, in addition to individual development projects**. **Public facility projects also require a CEQA mitigation program to address cumulatively significant impacts.** Any revision should be similar to Tuolumne County's existing "Wildlife Handbook", as adopted by the Board of Supervisors through Resolution 230-96 on December 26, 1996. The existing "Wildlife Handbook" was accepted by the regulatory agencies as appropriate mitigation for the County General Plan's impacts on biological resources. Any revision to this plan should serve not just as an **alternative** Biological Resources Conservation Handbook (as proposed in **Policy 16.B.6**), but as the **continuing** General Plan Update's Implementation Program for **cumulatively significant impacts** to biological resources resulting from this General Plan Update's proposed changes in land uses and the Draft EIR's projected growth to a population of 64,000 by 2040.

The "Wildlife Handbook" of 1996 certainly needs to be updated to address species removed from State and Federal lists and species subsequently added to State and Federal lists, because these changes in listings have again slowed mitigation measures needed for new discretionary projects where the newly listed species have not had their mitigation measures addressed in the adopted 1996 "Wildlife Handbook". The updating of the "Wildlife Handbook" every five years was already provided for in Tuolumne County **Resolution 261-97** adopted by the County Board of Supervisors on December 2, 1997 and is addressed in **Implementation Measure 16.B.k.** If this mitigating "Wildlife Handbook" is not **continued** for the new General Plan Update, then the County and its developers would be better served by the current General Plan. Without those mitigating measures agreed to by the regulatory agencies in 1996, the latest revision of the Tuolumne County General Plan will likely lead to major project review grid lock and make the Environmental Impact Review companies very rich, while property owners are forced to empty their pockets to pay dearly for the environmental review costs on an individual basis, as required of most projects with biological resources and that have no pre-agreed mitigation plan. I16-3 cont.

Prior to 1987, when the Tuolumne County's Board of Supervisors adopted the County's original "Wildlife Handbook" on November 2, 1987, to implement the County General Plan's Biological Resources, Open Space, and Water Resources programs, development projects languished for many months, unapproved while mitigation programs for discretionary projects were worked out on a case by case basis to the satisfaction of regulatory agencies overseeing Biological Resources and Water Resources. The acceptance by regulatory agencies of the "Wildlife Handbook" after adoption as the County's General Plan Biological Resources implementation and mitigation program allowed Tuolumne County to develop and thrive economically better than surrounding County's in the subsequent couple of decades. Other Counties continued their case by case mitigation review required under California planning laws, as well as State and Federal environmental laws.

The General Plan Update **Implementation Program 16.B.l,** as written, would exempt the State required oak woodland mitigation from defined communities, even when these oak woodlands might be providing habitat for Special Status Species. This Implementation Program creates an **internal conflict** in the General Plan update with **Implementation Program 16.B.j**. I16-4

The General Plan Update fails to mention the retention of the **existing Open Space** and **Open Space-1** zones designated as mitigating measures under the County's prior discretionary I16-5

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TC General Plan Update Comments, R. Wood

reviews, which were subject to the California Environmental Quality Act. These Open Space zones were agreed to by land owners since at least 1987. These existing Open Space zones were to remain in perpetuity as mitigation for discretionary entitlements and their prior impacts to County biological resources. Since 1987, the Open Space zones were mostly centered a distance specified in the "Wildlife Handbook" along both perennial and intermittent creeks, lake and river corridors to provide for wildlife migration from one area to another in order to prevent species isolation and starvation, as well as to provided water quality protection for water ways. These existing Open Space zones must be retained after the adoption of a new General Plan. An Implementing Program should be added to the required Conservation and Open Space General Plan Element to address this retention of existing Open Space and Open Spece-1.

Resolution 41-98 adopted by the Tuolumne County Board of Supervisors on March 24, 1998, requires protection of the quality of the County's water resources and requires prevention of surface water and groundwater contamination by insuring Tuolumne County development standards are adequate to protect water resources. The "Wildlife Handbook" adopted by the Board of Supervisors through **Resolution 230-96 on December 26, 1996**, provides currently for mitigating **water quality** impacts from discretionary entitlements with the retention of riparian vegetation in **Open Space set backs** along intermittent and perennial streams, as well as rivers, springs, lakes and other wetlands defined under State and Federal environmental laws. The **Hydrology and Water Quality Section 3.10 of the Draft EIR** for the General Plan Update addresses the perennial streams and rivers in Tuolumne County. However, **intermittent streams**, which flow only seasonally, can also heavily impact downstream properties, especially in the steep slope areas throughout the County. An example includes the intermittent tributary streams of Sonora Creek which are up slope of the City limits for Sonora. In past years during heavy rain runoff, when land clearing for building was occurring upslope of Sonora Creek on County jurisdictional lands, flooding in downtown Sonora has resulted from siltation of Sonora Creek, blocking culverts which pass through downtown Sonora. The subsequent flooding caused property damage in the downtown. Open Space setbacks from waterways allow non-point source pollution, like runoff sediments, to be slowed and absorbed by these vegetated riparian corridors in Open Space buffers. This Open Space mitigation for discretionary projects assists the County in complying with State's Porter-Cologne Water Quality Control Act and Federal Clean Water Act, and the Rivers and Harbors Act regulations. Already adopted Open Space zones must remain along waterways, since these mitigation measures requiring the Open Space setbacks are critical to the health of the County's water resources, as well as the health of the County's biological resources and other beneficial water uses. I16-5 cont.

Most recreational developments proposed in the **Parks and Recreation Chapter 11** of the General Plan Update are incompatible with the biological resources and water quality mitigation required for past discretionary projects in Open Space and Open Space-1 zones within Tuolumne County. Please refer to a lawsuit brought before the Supreme Court by **Dolan versus the City of Tigard**, Oregon in 1994. The Court ruled that there was a valid nexus for Open Space setback along the stream for water quality protection, but Dolan's discretionary project had no nexus for placing a trail in the water quality setback.

Implementation Programs 14.C.i, 16.B.p, 17.E9 and 17.E.11 regarding wild land fire hazard clearing and watershed rehabilitation projects, should acknowledge that riparian vegetation is **not a high fire risk**, because this type of vegetation remains hydrated at the edges of waterways. The biological values and water quality protection of retaining riparian vegetation in the riparian corridors should not be ignored in creating fire breaks. The Open Space zoning done as prior mitigation for biological resources impacts would be significantly negatively impacted by future riparian vegetation removal. I16-6

3

TC General Plan Update Comments, R. Wood

By not making the proposed Biological Resources Conservation Handbook or the existing "Wildlife Handbook" in **Policy 16.B.6** a **continuing** measure, instead of an **alternative** measure as proposed in the Update of the General Plan, the County would take a serious step backward. If the County does not use this mitigation program it could result in costly delays for developers and small project proponents. If the "Wildlife Handbook" is not used as mitigation, developers then may be required by various regulatory agencies to do full Environmental Impact Reports (EIRs) for even small projects, because the General Plan would no longer have its mitigation program for **cumulatively significant impacts** from over-all future expected development. I16-7

Draft EIR Section 3.4, Biological Resources, Exhibit 3.4-3 only identifies U.S. Fish and Wildlife Service's mapped critical habitat for Special Status Species in the County's alpine zone and extreme Western County. The latest list I have seen for the Special Status Species actually known to occur in Tuolumne County included about 140 species of State or Federally listed plants and animals with some State or Federal legal status, including species designate Rare, Threatened, or Endangered under either the Federal Endangered Species Act or the California Endangered Species Act. These Special Status Species are spread across all vegetative habitat zones and all elevations of Tuolumne County. Most of these species were enumerated in the **Draft EIR's Appendix B** in 2015. Their locations are found in Tuolumne County's Geographic Information System (GIS) database and in the California Natural Diversity Data Base (NDDB) maintained by the State Department of Fish and Wildlife in Sacramento. Also, all high priority habitats for Special Status Species between the Alpine zone and the extreme west County are located in the County's GIS database. Yet the **Draft EIR, Section 3.4-2** for this General Plan Update fails to address the projected **cumulatively significant impacts** from future development on these approximately 140 Special Status Species with an on-going or **continuing** Implementation Program to mitigated impacts to biological resources. Instead **Policy 16.B.6** of the General Plan Update treats the "Wildlife Handbook" as only an alternative for individual project mitigation. This leaves the County with **cumulatively significant impacts to about 140 species** with some level of special legal status, as identified in 2015 in Appendix B of the Draft EIR. I16-8

The **Draft EIR, Section 3.4-2** states that "Because of the programmatic nature of the General Plan Update, a precise, project-level analysis of the specific impacts of individual development projects under the General Plan Update on riparian habitats and other sensitive communities is not possible at this time and the level of analysis is maintained at the County level". However, the County's 1996 "Wildlife Handbook" contains specific mitigating measures for most of these biological resources that may be impacted by future development under the General Plan Update. **Draft EIR, Section 3.4-2** fails to recognize the "Wildlife Handbook" as having served to mitigate cumulatively significant impacts to biological impacts for the existing General Plan.

If the County's 1996 "Wildlife Handbook" is updated, language is needed to assure it remains as an on-going Implementation Program to address cumulatively significant impacts to Special Status Species and their habitats. Otherwise, mitigation will be pushed off to individual projects, without addressing the **cumulatively significant impacts** to biological resources that would result from the General Plan Update as a whole. Without the continuing use of the mitigation measures of the "Wildlife Handbook" or an updated Biological Resources Handbook, there would be **a risk of substantially reducing the habitat of a fish or wildlife species, or cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal**.

4

TC General Plan Update Comments, R. Wood

The **Draft EIR, Section 6.3, Summary of Project Impacts**, acknowledges that this General Plan Update has the potential to create the loss of State and County designated **High-Value Agricultural Land** and create **conflicts** with existing **Williamson Act Land Conservation Act Contracts** (that provide significant tax breaks to farmers for maintaining their lands in agricultural production for at least a 10 year term); also conflicts with existing Agricultural Preserves or Agricultural Preserve overlay districts; cause the cancellation of Williamson Act Contracts; and cause the removal of districts that protect agriculture. Yet these proposed conversions from agricultural land uses to urbanized land uses proposed by the General Plan Update**, Policies 8.A.2 and 8.A.3** are in conflict not only with the State's agricultural policies to protect High-Value Agricultural Lands and in conflict with the Williamson Act, but are in **conflict with the Policies of the existing County General Plan** and in **conflict with the proposed policies** of the General Plan Update to protect High-Value Agricultural Lands, **Policies 8.B.1, 8.B.2., 8.B.3 and Implementation Program 8.A.a**. This results in **internal inconsistencies in the General Plan Update**. I16-9

Draft EIR Alternative 5, the **Williamson Act Property Preservation alternative** instead of the proposed General Plan Update would retain 134 to 200 acres of lands designated agriculture that are currently under Williamson Act contracts. Alternative 5 would **not redesignate these 134 to 200 acres** of Williamson Act lands to residential use. To achieve the same amount of housing identified as needed in the General Plan Update, Alternative 5 would require increased residential density in other areas designated for residential development. Alternative 5 would still redesignate large amounts of agricultural land near defined communities in Tuolumne County, mostly within an agricultural preserve, and would continue to be a significant impact on agriculture in the County. Alternative 5 would conform to the State's goals to conserve High-Value Agricultural Lands and preserve Williamson Act contracted lands better than other Alternatives.

Another benefit from confining new development under **Draft EIR Alternative 5** out of existing Williamson Act contracted lands would be to **reduce the impacts to biological resources** from urban and suburban sprawl proposed by the General Plan Update into these High-Value Agricultural lands.

Draft EIR Alternative 6 would confine public services to existing communities and reduce suburban sprawl, creating the environmentally superior alternative for biological and agricultural resources. However, the growing housing needs for the future would create a much greater urban density within defined communities and could negatively impact their small town community identity and their historic buildings, which could affect heritage tourism and its associated tourism jobs.

Even confining water service and other utilities to defined communities in **Draft EIR Alternative 6**, a much larger problem exists for future development under the General Plan Update. **Draft EIR Policy 14.A.6** states that the County must "Encourage water purveyors to provide an adequate water supply to meet long term needs in a manner that is consistent with this General Plan and urban water management plans and that maintains water resources for water users while protecting the natural environment". Also, General Plan Update **Implementation Program 14.A.a** and **Policy 17.F.2** are needed because **Tuolumne County's water rights and current water diversion entitlements are NOT adequate to support more growth**. Evidence of this was shown during the last drought when a 50 percent reduction in individual residential water uses was mandated by the Tuolumne Utilities District (the County's largest water purveyor). The water district's pumping station in New Melones Reservoir was left high and dry during the drought, because the County has junior water diversion rights there. I16-10

5

TC General Plan Update Comments, R. Wood

Please note a **typo** in **Policy 15.D.1**, where "wildlife episodes" should probably be "wildfire episodes". I16-11

The General Plan Update as proposed, without guaranteeing at least the same level of conservation for Biological Resources, Water Resources, Agricultural Resources and Open Space resources may not serve the County as well as the current General Plan at protecting these resources. Tuolumne County tax payers do not want a deficient General Plan Update that brings on an expensive law suit for the County to try to defend. I16-12

Respectfully,

Robin Wood

Robin Wood
Retired Tuolumne County Senior Planner (1990-2005)
Tuolumne County Property Owner and Tax Payer
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6

TC General Plan Update Comments, R. Wood

Letter I16	Robin Wood October 9, 2018

I16-1 The comment expresses general concern about the potential for the project to result in cumulatively significant impacts and the proposed modification of existing programs. The comment provides an opinion regarding the merits or qualities of the project and does not address the content, analysis, or conclusions in the RDEIR. The Board of Supervisors will take the commenter's opinions into consideration when making decisions regarding the General Plan Update.

I16-2 Policy 16.B.2 recognizes "…that agricultural and timberlands may be compatible with conservation of biological resources." This policy, which generally acknowledges the potential for compatibility, is referenced in the overall consideration of impacts to special-status species, federally protected wetlands, and animal movement corridors. An example of this compatibility could be conserving oak woodlands as grazing land. The RDEIR does not, however, state that timber harvesting and agricultural activities are necessarily compatible with the conservation of biological resources. Rather, Section 3.4, "Biological Resources," classifies agricultural land (i.e., cropland and deciduous orchard) as developed and sparsely/non-vegetated habitats (see page 3.4-2).

I16-3 See Master Response 5 regarding wildlife policies and response to comment O3-14. The RDEIR does not suggest that because public lands provide habitat, private lands do not. The RDEIR evaluates impacts to biological resources. The comment does not identify issues related to the adequacy of the RDEIR.

I16-4 The County will recommend that Implementation Program 16.B.l be removed. The change to the RDEIR is reflected in Chapter 4, "Revisions to the Draft EIR." The comment does not identify issues related to the adequacy of the RDEIR.

I16-5 The General Plan Update does not propose to remove any existing Open Space or Open Space-1 zoning on property. The General Plan Update is a broad and general document and does not provide a project level review. If a future recreational development were proposed in O and O-1 zoning, its compatibility with biological resources and water quality would be evaluated at that time. If the project resulted in an impact as defined under CEQA, mitigation would be required as appropriate. The comment does not identify issues related to the adequacy of the RDEIR.

I16-6 The commenter's suggestion that riparian vegetation is not a high fire risk is not accurate. Riparian areas can and do burn in wildland fires. The comment regarding impacts to open space zoning from vegetation removal is unclear, but protecting sensitive habitats that are in areas at risk of destruction by wildland fire would not necessarily result in permanent negative effects. The comment does not identify issues related to the adequacy of the RDEIR.

I16-7 See Master Response 5 related to the wildlife policies and response to comment O3-14. The comment provides an opinion about the merits of the proposed policies in the General Plan Update related to mitigation of effects on biological resources. The comment does not specifically address the content, analysis, or conclusions in the RDEIR. No changes have been made to the RDEIR in response to this comment.

I16-8 The comment identifies Exhibit 3.4-3 as a map of federally-designated critical habitat. While there are a number of special-status species within the County (as described in Appendix B

to the RDEIR), most of these species do not have federally-designated critical habitat. However, Appendix B does describe the habitat requirements of special-status plant and animal species and Exhibit 3.4-1 provides a map of land cover types. Further, the comprehensive setting information regarding state and federally listed species, sensitive communities, and federally-designated critical habitat known or with potential to occur within Tuolumne County provided in the RDEIR is based on queries of the USFWS Information for Planning and Consultation system, USFWS Critical Habitat Portal, California Natural Diversity Database, and California Native Plant Society *Online Inventory of Rare, Threatened and Endangered Plants of California* (refer to page 3.4-12 in Section 3.4, "Biological Resources"). Effects on special-status species are evaluated in the RDEIR (see Impact 3.4-1 on page 3.4-29). Cumulative impacts to biological resources are evaluated in Chapter 4, "Cumulative Impact Analysis," (see page 4-6). As described in response to comment O2-3, the RDEIR evaluates potential substantial environmental effects compared to the existing physical condition (baseline) using established thresholds. Comparison to the policies in the 1996 General Plan is not appropriate under CEQA. Also see Master Response 5, including the discussion related to the Wildlife Handbook.

I16-9 The County is updating the 1996 General Plan. Approval of the General Plan Update would supersede the 1996 General Plan. Therefore, conflict between the 1996 General Plan and the proposed General Plan Update is not a consideration, either in the General Plan Update or the RDEIR. However, the commenter indicates that there is internal conflict between proposed Policies 8.A.2 and 8.A.3 and proposed Policies 8.B.1, 8.B.2, 8.B.3, and Implementation Program 8.A.a. The commenter does not identify the specific areas of conflict. The County has prepared these policies to coincide and complement each other. There is no conflict.

The commenter discusses Alternative 5: Williamson Act Preservation, but does not appear to raise issues with the alternative. The comment is noted. The RDEIR indicates that impacts related to biological resources are less than significant; therefore, Alternative 5 would not result in a substantial reduction of these impacts.

I16-10 Please see response to comment O3-38 concerning water supply. Please see response to comment I8-2 regarding responses to drought conditions. It is not only acknowledged, but common throughout California, including Tuolumne County, that drought conditions often require cutbacks in water use. Statewide executive orders mandating severe cutbacks are not uncommon, including and especially during the most recent drought. However, the comment that entitlements are not sufficient to support County growth is not supported by evidence in the record, by the analysis of water supply in Section 3.17 of the RDEIR, or in response to comments O3-38 and I8-2.

I16-11 This typographical correction will be incorporated into the Final General Plan Update document. The correction to the policy is reflected in Chapter 4, "Revisions to the Draft EIR."

I16-12 The comment reiterates an opinion regarding the merits or qualities of the General Plan Update and does not address the content, analysis, or conclusions in the RDEIR. The Board of Supervisors will take the commenter's opinions into consideration when making decisions regarding the General Plan Update.

4 REVISIONS TO THE DRAFT EIR

This chapter presents specific text changes made to the RDEIR since its publication and public review. The changes are presented in the order in which they appear in the RDEIR and are identified by the RDEIR page number. Text deletions are shown in ~~strikethrough~~, and text additions are shown in underline.

The information contained within this chapter clarifies and expands on information in the RDEIR and does not constitute "significant new information" requiring recirculation. (See Public Resources Code Section 21092.1; CEQA Guidelines Section 15088.5.)

REVISIONS TO SECTION 3.2, "AGRICULTURAL AND FOREST RESOURCES"

The text of Mitigation Measure 3.2-1 on page 3.2-16, and as cited on pages ES-5 through ES-6 in Table ES-1 of the Executive Summary is revised as follows:

Mitigation Measure 3.2-1: Evaluate ~~Land Using Tuolumne County's Agricultural Rating System Matrix~~ and Conserve High-Value Agricultural Land and Important Farmland 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 that includes the following requirements for evaluating development on lands with an Agricultural land use designation and/or on land identified by the latest NRCS soils data as containing potential Important Farmland ~~that includes the following requirements~~:

If land designated Agricultural (according to the General Plan land use diagram in the General Plan Update) is proposed for non-agricultural development and qualifies as High-Value Agricultural Land, as defined below, and/or if land is proposed for non-agricultural development that is identified by the most recent NRCS soils data as containing soils that could be classified as Important Farmland (i.e., Prime Farmland, Unique Farmland, or Farmland of Statewide Importance), as defined below, the County shall require the applicant to purchase agricultural conservation easements at a 1:1 ratio (acres preserved : acres converted) commensurate with the type of land that is being converted. Mitigation shall be required at a 1:1 ratio regardless of whether the land is High-Value Agricultural Land or Important Farmland [Prime Farmland, Unique Farmland, or Farmland of Statewide Importance]. Proof of the purchase shall be provided to the County prior to issuance of grading permits. The County shall determine whether land qualifies as High-Value Agricultural Land or Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as follows:

1. 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~~the County shall continue to step 2. 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~~,~~ shall require the purchase of conservation easements as described above.~~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.~~

2. For any proposed non-agricultural development on land identified by the most recent NRCS soils data as containing soils that could be classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, the County shall require the purchase of conservation easements as described above. The applicant may elect to prepare a Land Evaluation Site Assessment to determine if or how much of the land proposed for development would actually qualify as Important Farmland (based on factors other than soil type) and to more accurately determine the specific type of Important Farmland (i.e. Prime Farmland, Unique Farmland, or Farmland of Statewide Importance) that would require purchase of conservation easements.

If a piece of land qualifies as both High-Value Agricultural Land and Important Farmland, compensatory mitigation will not be required for both farmland types.

REVISIONS TO SECTION 3.3, "AIR QUALITY"

The first sentence of the second paragraph on page 3.3-3 is revised as follows:

> The Tuolumne County portion of the MCAB is a nonattainment area for the state standards for ozone (CARB 2017) is in nonattainment for the federal 8-Hour standard, and is unclassified or in attainment ~~for the federal standards for ozone and~~ for the federal and state standards for CO, nitrogen dioxide, SO_2, PM_{10}, $PM_{2.5}$, and lead (CARB 2015).

In addition, Table 3.3-1 and the corresponding text on page 3.3-3 are revised as follows:

> As shown in Table 3.3-1, the state and federal 8-hour ozone standards were exceeded multiple times between ~~2014~~ 2015 and ~~2016~~ 2017.

Table 3.3-1 Ambient Air Quality Data

Pollutant	~~2014~~ 2015	~~2015~~2016	~~2016~~2017
Ozone, ppm, 1-hour			
Number of days of state exceedances (>0.09 ppm)	~~0~~1	~~1~~3	~~3~~0
Ozone, ppm, 8-hour			
Number of days of state exceedances (>0.070 ppm)	~~16~~11	~~11~~45	~~45~~25
Number of days of federal exceedances (>0.075 ppm)	~~2~~4	~~4~~25	~~25~~6

Notes: ppm = parts per million.

Data obtained from the Sonora-Barretta Street Monitoring Station, 251 S. Barretta Street, Sonora CA.

Source: CARB 2018

The text on page 3.3-14 is revised to reflect the County's modification of Policy 15.d.1 to address a typographical error:

- **Policy 15.D.1:** Work closely with federal, state and local agencies to minimize the emissions and smoke impacts fire hazard reduction and forest management burn activities and during ~~wildlife~~ wildfire episodes.

Finally, the following text has been changed on page 3.3-22 of the RDEIR:

> Additionally, all new development undergoing discretionary review would be required to evaluate ~~existing~~ TAC exposure as a result of the project and incorporate available reduction measures in accordance with TCAPCD requirements, if necessary."

REVISIONS TO SECTION 3.4, "BIOLOGICAL RESOURCES"

The County has revised the text of Implementation Program 16.B.j in response to comments. The second bullet of the County's recommended standard guidelines on page 3.4-26 of the RDEIR has been updated as follows to reflect this change:

> For parcels with 10% or greater native oak canopy cover (i.e., parcels with oak woodland, as defined in the General Plan), a significant impact to oak woodland includes tree removal that reduces the total oak canopy cover onsite to below 10% (i.e., conversion to non-oak woodland), or a loss of 10% or greater of oak canopy woodland stand on the parcel, if the conversion or loss is determined by a trained professional to be substantial in consideration of, but not limited to, the following:

The County has eliminated Implementation Program 16.B.l. Therefore, the text on page 3.4-27 where the implementation program is cited is revised as follows:

- ~~**Implementation Program 16.B.l:** Evaluate, on a project by project basis, the appropriateness of exempting projects in identified communities from **Implementation Program 16.B.j** to encourage development in identified communities and minimize impacts to biological resources outside of identified communities.~~

REVISIONS TO SECTION 3.5, "CULTURAL RESOURCES"

The title of Table 3.5-1 (RDEIR pages 3.5-3 – 3.5-4) is revised as follows:

Table 3.5-1 Tuolumne County Listed Historical Resources

Location	Resource Name	NRHP	State Landmark	TC Register
Big Oak Flat	Big Oak Flat		X	
Big Oak Flat	Gamble Building	X		
Chinese Camp	Chinese Camp		X	
Chinese Camp area	Jacksonville		X	
Chinese Camp area	Montezuma		X	
Chinese Camp	Wells Fargo Express Company Building		X	
Columbia	1925 Craftsman Bungalow and 1940 Garage			X
Columbia	Columbia State Historic Park		X	
Columbia area	Parrotts Ferry		X	
Columbia area	Sawmill Flat		X	
Columbia area	Shaw's Flat		X	
Columbia area	Springfield		X	
Dardenelle	Baker Highway Maintenance Station	X		
East Sonora	Belli Ranch House			X
East Sonora	Sullivan Creek Park (Elsey's Pool)			X

Table 3.5-1 Tuolumne County Listed Historical Resources

Location	Resource Name	NRHP	State Landmark	TC Register
Groveland area	Second Garrote		X	
Groveland	Groveland		X	
Groveland	Groveland Hotel	X		
Groveland	Hotel Charlotte	X		
Groveland	Watts & Tannahill Company Store	X		
Jamestown	Emporium	X		
Jamestown	Jamestown		X	
Jamestown	Jamestown Community Hall (Old Justice Court)			X
Jamestown	Ramirez-Preston Building			X
Long Barn	Quail Site	X		
Pinecrest area	Leighton Encampment	X		
Sonora	Tuolumne County Courthouse	X		
Sonora	Tuolumne County Jail	X		
Soulsbyville	Gessford Home			X
Soulsbyville	Soulsbyville		X	
Strawberry	Chinaman Mortar Site	X		
Strawberry	Cooper Cabin	X		
Strawberry	Old Strawberry Road Bridge			X
Strawberry	Stanislaus Branch, California Forest and Range Experiment Station	X		
Sugar Pine	Sonora-Mono Road		X	
Tuolumne area	Cherokee		X	
Tuolumne	Dungan House			X
Tuolumne	Niagara Camp	X		
Tuolumne	Summersville (Tuolumne)		X	
Tuolumne	Superintendent's House			X
Tuolumne	Veterans Memorial Hall			X
Tuolumne	West Side Memorial Park			X
Tuttletown	Ewert/Aguire/Jackson Property (Tuttletown Stage Stop)			X
Tuttletown area	Mark Twain Cabin		X	
Tuttletown	Tuttletown		X	
Yosemite National Park	Frog Creek Cabin	X		
Yosemite National Park	Glen Aulin High Sierra Camp	X		
Yosemite National Park	Lake Vernon Snow Survey Shelter	X		
Yosemite National Park	Sachse Spring Snow Survey Shelter	X		
Yosemite	Great Sierra Wagon Road	X		

Notes: NRHP = National Register of Historic Places; TC Register = Tuolumne County Register of Cultural Resources.

Sources: National Park Service 2018; California Office of Historic Preservation 2018; Tuolumne County Register of Cultural Resources 2010.

REVISIONS TO SECTION 3.10, "HYDROLOGY AND WATER QUALITY"

The following policy modification will be reflected in the list of policies and implementation programs on page 3.10-16:

- **Implementation Program 14.A.f** - Collaborate with the other agencies and water purveyors to develop a Comprehensive Water Resources Plan to manage and protect the County's water resources by developing and prioritizing a list of water resources projects and a monitoring program. Utilize planning reports from the Tuolumne-Stanislaus Integrated Water Management Authority (IRWM) in future water planning efforts.

REVISIONS TO SECTION 3.14, "PUBLIC SERVICES"

To provide clarification, revisions to page 3.14-1 of the RDEIR are hereby provided, as follows:

FIRE PROTECTION SERVICE

Fire protection services are provided to unincorporated Tuolumne County by Tuolumne County Fire Department (TCFD), California Department of Forestry and Fire Protection (CAL FIRE), seven fire protection districts, and the United States Department of Agriculture Forest Service, and the United States Department of the Interior Park Service~~in the Stanislaus National Forest (Tuolumne Fire Safe 2008)~~. The majority of unincorporated Tuolumne County falls outside a fire district boundary and is protected by TCFD (administered by CAL FIRE under a contractual agreement with the County since 1975). TCFD has 13 fire stations~~, eight of which are in~~ all within the unincorporated area of Tuolumne County (see Table 3.14-1). With the exception of the Mono Village, Jamestown, and Groveland stations, the fire stations in the unincorporated communities are staffed by volunteer firefighters (Tuolumne County 2013).

TCFD, Groveland Community Services District (CSD), and Jamestown Fire Protection District (FPD) operate~~s~~ under a cooperative agreement with CAL FIRE. CAL FIRE's Tuolumne/Calaveras Unit is headquartered in ~~Sonora~~San Andreas and Tuolumne County stations are located ~~includes stations~~ in Groveland, Twain Harte, Blanchard, Standard, and Green Springs. CAL FIRE also maintains an air attack base and helitack base at Columbia Airport and conservation camp in the Jamestown area. Additional services are provided by the Twain Harte CSD ~~Fire Protection District (FPD)~~, Mi-Wuk Sugar Pine FPD, Tuolumne City FPD, Columbia FPD, Sonora Fire Department, ~~Groveland Community Services District (CSD),~~ Strawberry FPD, and Tuolumne Rancheria Fire Department (Murphy, pers. comm. 2018).

Table 3.14-1 Tuolumne County Fire Stations and Staff

County Stations	Location	Staffing
Mono Village Station 51	19500 Hillsdale Dr., Sonora	~~5~~6 paid full time, ~~12~~10 volunteer
Ponderosa Hills Station 53	20810 Tomira Meadows Ct., Tuolumne	~~1~~2 volunteer
Long Barn Station 54	25910 Long Barn Rd., Long Barn	1~~2~~ volunteer
Pinecrest Station 55	Pinecrest Ave., Pinecrest	~~12~~6 volunteer
Mono Vista Station 56	16925 Mono Vista Rd. North, Sonora	1~~2~~ volunteer
Crystal Falls Station 57	21720 Phoenix Lake Rd., Sonora	1~~2~~ volunteer
Cedar Ridge Station 58	24190 Kewin Mill Rd., Sonora	1~~4~~2 volunteer
Chinese Camp Station 61*	Highway 120, Chinese Camp	1~~2~~ volunteer
Smith Station 63*	223260 Elmore Rd., Groveland	~~12~~0 ~~volunteer~~
Don Pedro Station 64*	2990 Highway 132, La Grange	12 volunteer
Jamestown Station 76	18249 4th Ave., Jamestown	5 paid, ~~12~~3 volunteer
Groveland Station 78	18930 Highway 120 Groveland	5 full time and ~~2~~1 volunteer~~part time paid~~

Table 3.14-1 Tuolumne County Fire Stations and Staff

County Stations	Location	Staffing
Columbia College Station 79	11600 Columbia College Dr., Sonora	1 full time paid, ~~15 student, 12~~ 6 student/volunteer

Source: Murphy, pers. comm. 2018

To provide clarification, revisions to Impact 3.14-1 on pages 3.14-11 and 3.14-12 of the RDEIR are hereby provided, as follows:

Impact 3.14-1: Increase the Demand for Fire Protection and Emergency Services

Projected development under the General Plan Update would increase demand for fire protection service; however, ~~excess~~adequate capacity exists within existing and approved TCFD facilities and additional new or expanded facilities would not be needed. Review of subsequent development by the Fire Department pursuant to existing County development review practices, the required provision of emergency access, and payment of impact mitigation fees would ensure that potential impacts are **less than significant**.

Currently, there are 13 fire stations located throughout the County, and a new fire station is approved in Jamestown to replace and expand the existing station in that area. The new station in Jamestown is a component of an approved development project and includes the relocation and expansion of a station that currently serves this area. The proposed General Plan Update encourages future development to be focused primarily in identified communities, which are within the service area of the 13 existing fire stations of the TCFD or other local special districts. Thus, the areas that would be expected to accommodate the majority of additional growth under the General Plan Update would be serviced by existing and approved fire stations located within their service area. No new developments would be anticipated to occur beyond the existing service area of the TCFD or the seven fire protection districts in the County because all areas of unincorporated County fall within the jurisdiction of one of these agencies. TCFD has the capability to serve the area and complies with the response times specified in the TCFD Service Level Stabilization Plan. Therefore, TCFD response times would not be compromised by the minor level of new development projected to occur within the current service area under the General Plan Update.

However, because there would be an increase in population, additional on-duty full time firefighters ~~could~~would be needed incrementally over the planning horizon of the General Plan Update. Existing and approved facilities can accommodate ~~any~~ additional firefighters needed based on the projected development under the General Plan Update and would not require ~~a~~additional new or expanded stations or facilit~~y~~ies to be built (Gregory, pers. comm., 2018b). It should also be noted that federal and state fire protection service is provided for wildland fire response. Also, mutual aid is provided by the City of Sonora and the tribes that can supplement County fire protection services when needed.

Furthermore, the General Plan Update would require that adequate fire protection service is maintained as development occurs. The Public Safety Element includes the several policies that would reduce potential impacts to fire and emergency services. Policy 9.A.4 directs the County to actively support the efforts to maintain and improve federal and state fire service capacity in the County; Policy 9.C.3 addresses maintenance of an adequate level of emergency medical services through periodic review to meet increased demand as population in the County grows; Policy 9.E.2 and Policy 9.F.1 require maintaining adopted levels of fire protection service presented in the TCFD Service Level Stabilization Plan; Policy 9.F.1 addresses support and implementation of the Tuolumne County Fire Department Service Level Stabilization Plan to ensure that fire protection service levels are met; and Policy 9.F.2 requires that adequate fire protection facilities are constructed to maintain desired

Insurance Services Office (ISO) ratings. Implementation of the Public Safety Element policies would ensure impacts related to fire protection and emergency services are **less than significant**.

Mitigation Measures

No mitigation would be required.

Significance after Mitigation

Impacts would be less than significant without mitigation.

REVISIONS TO SECTION 3.16, "TRANSPORTATION AND CIRCULATION"

Page 3.16-1 of the RDEIR is revised as follows:

State Route 108

A state highway that runs northeast from the City of Modesto in the California Central Valley to U.S. 395 in Mono County, SR 108 runs concurrently with SR 49 and SR 120 near Jamestown and the City of Sonora in Tuolumne County. Throughout the County, SR 108 is generally a two-lane highway, with four-lane divided segments in some mountainous areas. SR 108 provides the City of Sonora with an important link to the Central Valley as well as to smaller communities in the eastern portion of the County.

Page 3.16-2 of the RDEIR is revised as follows:

State Route 132

A state highway that starts from I-580 in west San Joaquin County, and runs through ~~from the east from~~ Modesto/Waterford in the Central Valley, runs through LaGrange and ends in Mariposa County~~,~~. ~~a~~ A small portion of this highway runs through Tuolumne County near LaGrange and County Highway J59.

To provide additional clarity, the following text is added to page 3.16-9 of the RDEIR (just before the heading "Year 2030 Volumes"):

Traffic Demand Model

TCTC completed a comprehensive update of the Tuolumne County Regional Travel Demand Model (TDM) in 2015. As part of the TDM update, a recalibrated base-year (2014/15) model and future year models for 2030 and 2040 were developed. The 2030 and 2040 TDM roadway networks were updated based on the improvements included in the current FCEP-CIP list. The 2030 TDM roadway network was updated to assume Tier 1a and Tier 1b projects would be in place and the 2040 TDM roadway network was updated to assume that Tier 1c projects would be in place. These models were used to extract updated VMT estimates and traffic volumes.

For consistency with the County's proposed changes, the following minor additions are incorporated in Implementation Program 4.A.d.1 where it is cited in the RDEIR (page 3.16-13):

- **Implementation Program 4.A.d.1** – Support alternative energy vehicles, including electric vehicles, and development of electric charging stations for ~~passenger vehicles~~ the use of the public, County employees and County fleet vehicles.

For consistency with the County's proposed changes, the following revision is made to the text of Implementation Program 4.A.r where it is cited in the RDEIR (page 3.16-14):

- **Implementation Program 4.A.r**: Implement Vehicle Miles Traveled for evaluating transportation impacts under CEQA to be consistent with SB 743. ~~Consider implementing an alternative to LOS~~

~~for evaluating transportation impacts, such as vehicles miles traveled, as described in the CEQA guidelines.~~

To provide clarification, the County will revise Policy 4.A.7-7. This change will be incorporated on page 3.16-15 of the RDEIR as follows:

- **Policy 4.A.7:** Recognize the major funding limitations that exist within the State and County system and find that, as a matter of legislative policy, additional growth and development may be allowed within the County, notwithstanding the adverse impacts which may result in the short term by this growth and development. Therefore, it shall be the policy of the County to:

  1. Encourage the existing partnership between the Tuolumne County Transportation Council, the State and developers in working together to solve State highway and County road problems created by growth and funding limitations.

  2. Cooperate with governmental agencies in identifying and funding improvements necessary to mitigate the deficiencies in the transportation system in Tuolumne County.

  3. Acknowledge that short-term adverse impacts to the Tuolumne County transportation system resulting from growth and development within and outside of the County will occur until adequate funding is made available and improvements are made through projects identified in the adopted State Transportation Improvements Program.

  4. Monitor responsible agencies' activities in responding to the needs of the transportation system within the County.

  5. Review and provide input on the Regional Transportation Improvement Program (RTIP).

  6. Should critical State highway improvements not be identified in the adopted State Transportation Improvements Program, the County should review its policies to determine if additional growth and development should be curtailed in the impacted areas to maintain established minimum LOS standards.

  7. ~~When appropriate and feasible,~~ Support TCTC's Rural Sustainable Strategies to reduce VMT and GHG emissions~~sustainable communities strategies to reduce vehicle miles traveled~~.

To provide clarification, the County will revise Implementation Program 4.B.h. This change will be incorporated on page 3.16-16 of the RDEIR as follows:

- **Implementation Program 4.B.h**: Update the local street design standards for urban areas, where practicable, to include ~~Universal Design criteria~~ Complete Streets components for street infrastructure such as sidewalks, pedestrian curb ramps, crosswalks, street lighting, shade trees, and curb extensions to accommodate all users, including people with disabilities and other special needs.

The following text revisions are made to Implementation Programs 4.B.b and 4.B.d, as cited on page 3.16-15 of the RDEIR:

- **Implementation Program 4.B.b**: Plan for a balanced multimodal transportation network that meets the needs of all users of roads, including bicyclists, pedestrians, and transit users. Incorporate bicycle, pedestrian and transit improvements when designing roadway improvements where appropriate. Support ~~the~~ efforts to develop a Tuolumne Region Active Transportation Plan, Interregional Bicycle Tourism Plan, and a State Route 49 Complete Streets and Congested Corridor Plan~~of the TCTC to develop an Active Transportation Plan for Tuolumne County, The State Route 49 Complete Streets and State Route 49 Congested Corridor Plan~~.

- **Implementation Program 4.B.d**: Promote walking and bicycling through education and outreach programs and activities such as a Safe Routes to School Program, commute campaigns, classes that teach cycling skills, and providing route maps.

REVISIONS TO SECTION 3.17, "UTILITIES AND SERVICE SYSTEMS"

The list of policies on page 3.17-13 is revised as follows:

- **Policy 3.B.1:** Require that development is consistent with the applicable water purveyor standards and specifications ~~master plan~~, as applicable, the proper design and sizing of water distribution lines, storage tanks, and other aspects of the water infrastructure system both on and off the site of development.

- **Policy 3.D.3:** Assist and cooperate in master planning sewer facilities and encourage the extension of additional public services through the installation of ~~larger~~ appropriately sized utility ~~distribution lines~~ collection system piping and other on-site and off-site improvements on new developments.

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5 REFERENCES

Chapter 1, "Introduction"

No references were used.

Chapter 2, "Project Updates"

No references were used.

Chapter 3, "Responses to Comments"

Environmental Planning and Information Council (EPIC) v. County of El Dorado (3d Dist. 1982) 131 Cal. App. 3d., available at < https://law.justia.com/cases/california/court-of-appeal/3d/131/350.html>. Accessed November 5, 2018.

Federal Emergency Management Agency. 2009. Flood Insurance Rate Map for Tuolumne County, Panel 850 of 1550. April 16, 2009.

FEMA. *See* Federal Emergency Management Agency.

Sacramento Metropolitan Air Quality Management District. 2016. CEQA Guide Chapter 9: Program Level Analysis. Available: http://www.airquality.org/LandUseTransportation/Documents/Ch9ProgramLevelFINAL8-2016.pdf. Accessed November 6, 2018.

Spencer, W.D., P. Beier, K. Penrod, K. Winters, C. Paulman, H. Rustigian-Romsos, and A. Pettler. 2010. *California Essential Habitat Connectivity Project: A Strategy for Conserving a Connected California*. Prepared for California Department of Transportation, California Department of Fish and Game, and Federal Highways Administration.

Chapter 4, "Revisions to the Draft EIR"

No references were used.

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6 LIST OF PREPARERS

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Appendix A

County Letter to Larry Beil

COMMUNITY RESOURCES AGENCY

DAVID GONZALVES, C.B.O.
Director

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

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www.tuolumnecounty.ca.gov

October 29, 2018

Mr. Larry Beil
Via email: lbeil@sbcglobal.net

RE: October 9, 2018 GPU and DEIR Comment Letter

Dear Mr. Beil,

Please find below information regarding the maps and GIS data requested in the above letter, where a request was made for the following specific maps:

- General Plan Geotechnical Interpretive Map
- Tuolumne County Wildlife Maps
- Deer Herd Maps
- Oak Woodland Map

Information has been uploaded as GIS data files (if available) and PDF maps to the following website: https://www.tuolumnecounty.ca.gov/889/10814/General-Plan-Update. Information regarding the oak woodland map can be found at the links listed on the following page. Additionally, they have been emailed as PDFs to you at the following email address: lbeil@sbcglobal.net. Finally, large format (24x36) maps are available at our County office at 48 Yaney, Sonora. If you would like to purchase any of the maps they can be printed for you.

Please note that all of the information on the maps in the attached metadata table below was available at the County during the Draft Environmental Impact Report comment period.

Comments on Mitigation Measure 3.16-3: Mitigation Measure 3.16-3 was reflecting proposed changes, which would act as mitigation to 17.52.220. The underlines and strikethrough text is intentional to show the reader that Mitigation Measure 3.16-3 is proposing to modify the text of Tuolumne County Ordinance Code Section 17.52.220. If the Board of Supervisors adopts the Environmental Impact Report, Mitigation Measure 3.16-3 will be implemented, and the underlined language will be added and the strikethrough language will be deleted.

Lastly, this letter and all attachments will be posted to our County website to provide clarification for other readers. Other issues raised in your comment letters will be responded to as a part of the Final Environmental Impact Report. Thank you for your interest in the Tuolumne County General Plan and please let me know if you have any additional questions.

Respectfully,

Quincy Yaley

Quincy Yaley
Assistant Director, Development
Community Resources Agency

Cc: Mike Parker, Ascent Environmental

S:\Planning\PROJECTS\General Plan Amendment\2013\GPA13-005(2) General Plan Update\Draft EIR\
Draft EIR Comments\information response letters\Beil.doc

Layer	Data Source	Summary	Description	Access Date
Oak Woodlands	*Data compiled by Ascent Environmental from USDA Forest Service - Pacific Southwest Region - Remote Sensing Lab and California Department of Fish and Game (in collaboration with the California Native Plant Society and Aerial Information Systems)	USDA: May 2014. Boundaries for the ecological tile units and CALVEG zone units currently being used to tile the EVEG (existing vegetation) dataset. Selected lines were added from the CalWater watershed layer where finer tile divisions were needed. Additionally, attributes from Ecological Units of California (Ecological Domain, Division, Province, Section and Subsection) have been incorporated into this layer. A mapping methodology has been developed to capture vegetation characteristics using automated, systematic procedures that efficiently and cost-effectively map large areas of the state with minimal bias and is supplemented with onsite field visits when appropriate. CDFW: February 2011. In a separately funded project, AIS and CNPS produced a vegetation map for the Lassen Foothills subregion from 2007-08, using the National Agriculture Imagery Program's (NAIP's) true color aerial imagery from 2005. Mapping for the entire NSNF subsequently occurred from 2008-11, and used 1-meter resolution true color imagery acquired by NAIP in 2005 and 2009. Previous vegetation field surveys in the region resulted in a floristic classification and field key of vegetation types by CNPS and CDFG staff, including 57 vegetation alliances and 8 semi-natural types. Around 2,531 vegetation rapid assessment or relevé field surveys and an additional 1,855 reconnaissance points were used as reference data for the vegetation map produced by AIS. Existing vegetation maps from AIS/CNPS (Lassen Foothills and Tuolumne Table Mountain/Peoria Wildlife Area) were also incorporated into the final map product. Other ancillary data used for mapping included GIS layers for: protected lands, roads, railroads, and vehicular trails; vernal pools; soils; fire history; geology; and ultramafic geology. It also included National Wetlands Inventory Data, USFS CalVeg data, USGS digital raster graphics (DRGs), and 20-foot contour digital elevation models (DEMs).	Resolution of the source data USDA: 1:24000 CDFW: 1 meter Accuracy of the data USDA: unknown CDFW: 80.2 – 85.1% Quality Assurance USDA: Data quality assurance and quality control (QA/QC) are mandated by the Data Quality Act, USDA, and by Forest Service policy. CDFW: To validate the vegetation map, an accuracy assessment (AA) effort with field verification was conducted by CNPS and CDFG staff. AA samples were allocated by CDFG for each map Module as it was received from AIS. In general, stratified random sampling was employed to obtain a sufficient number of observations within each map unit to make a reasonably precise statement about the accuracy of each map unit.	Report Date Feb 2011

Flood Zones	FEMA	The National Flood Hazard Layer (NFHL) data incorporates all Flood Insurance Rate Map (FIRM) databases published by the Federal Emergency Management Agency (FEMA), and any Letters of Map Revision (LOMRs) that have been issued against those databases since their publication date. It is updated on a monthly basis. The FIRM Database is the digital, geospatial version of the flood hazard information shown on the published paper FIRMs. The FIRM Database depicts flood risk information and supporting data used to develop the risk data. The primary risk classifications used are the 1-percent-annual-chance flood event, the 0.2-percent-annual-chance flood event, and areas of minimal flood risk. The FIRM Database is derived from Flood Insurance Studies (FISs), previously published FIRMs, flood hazard analyses performed in support of the FISs and FIRMs, and new mapping data, where available. The FISs and FIRMs are published by FEMA. The NFHL is available as State or US Territory data sets. Each State or Territory data set consists of all FIRM Databases and corresponding LOMRs available on the publication date of the data set. The specification for the horizontal control of FIRM Databases is consistent with those required for mapping at a scale of 1:12,000. This file is georeferenced to the Earth's surface using the Geographic Coordinate System (GCS) and North American Datum of 1983.	The FIRM is the basis for floodplain management, mitigation, and insurance activities for the National Flood Insurance Program (NFIP). Insurance applications include enforcement of the mandatory purchase requirement of the Flood Disaster Protection Act, which "... requires the purchase of flood insurance by property owners who are being assisted by Federal programs or by Federally supervised, regulated or insured agencies or institutions in the acquisition or improvement of land facilities located or to be located in identified areas having special flood hazards, " Section 2 (b) (4) of the Flood Disaster Protection Act of 1973. In addition to the identification of Special Flood Hazard Areas (SFHAs), the risk zones shown on the FIRMs are the basis for the establishment of premium rates for flood coverage offered through the NFIP. The FIRM Database presents the flood risk information depicted on the FIRM in a digital format suitable for use in electronic mapping applications. The FIRM Database serves to archive the information collected during the Flood Risk Project.	28-Aug-17

Wildlife Habitat Relationships	Wildlife Handbook	The purpose of the original overlay system and shapefiles are to consider the possible impacts of development projects on wildlife habitats. The results of the maps / shapefiles should be verified by site visits by qualified individuals or from other data.	The Wildlife Habitat / Vegetation Maps were originally prepared under contract as part of the Tuolumne County Wildlife Mapping and Handbook project, completed in 1987. The mapping part drew polygons encompassing wildlife habitat types based on recognizing vegetation imagery, using aerial photographs (contact prints) flown in the late 1970's and early 1980's. The type areas were circled on the aerial photo prints, and transferred to mylar overlays at a scale of 1:12,000 based on USGS Quadrangle maps (twice normal scale). The mylars were digitized in the mid-1990's by Tuolumne County GIS, and are used as .shp files in ArcGIS.	29-Oct-08
Deer Migration Routes	California Department of Fish and Game	Created to identify important deer habitats, migration routes and resident populations. These features are used for planning purposes.	Deer habitat and migration routes for Mariposa county. Includes Stanislaus, Tuolumne and Yosemite Herds.	15-May-08
Deer Herds	California Department of Fish and Game	Created to identify important deer habitats, migration routes and resident populations. These features are used for planning purposes.	Deer habitat and migration routes for Mariposa county. Includes Stanislaus, Tuolumne and Yosemite Herds.	15-May-08
Geologic Units	California Geologic Survey	General composite Lithologic Layers for a Portion of Tuolumne County; Compiled by California Geological Survey as part of Mineral Lands Classification of a Portion of Tuolumne County, California, for Precious Minerals, Carbonate Rock, and Concrete-Grade Aggregate	General composite Lithologic Layers for a Portion of Tuolumne County; Compiled by California Geological Survey as part of Mineral Lands Classification of a Portion of Tuolumne County, California, for Precious Minerals, Carbonate Rock, and Concrete-Grade Aggregate. 1997, Department of Conservation,	9-May-13

			Division of Mines and Geology, DMG Open-File Report 97-09	
Soils	California State Cooperative Soil-Vegetation Survey	1997, Department of Conservation, Division of Mines and Geology, DMG Open-File Report 97-09	Tuolumne county digital soils layer based on 21 (1:31680 Scale 7.5-minute Quadrangles) SOIL-VEGETATION SURVEY MAPS For the California State Cooperative Soil-Vegetation Survey From 1969-1979	31-May-05
Serpentine Soils	No Metadata Available			4-Oct-17
Faults	California Department of Conservation	No Metadata Available		9-May-13
Slope	No Metadata Available			9-May-13
Limestone	No Metadata Available			9-May-13

*Link to Oak Woodland Report: https://www.wildlife.ca.gov/Data/VegCAMP/Reports-and-Maps

Oak Woodland Metadata: https://www.fs.fed.us/r5/rsl/projects/gis/data/vegcovs/map-tiles/CalvegTiles_Ecoregions07_5.html

and https://www.fs.usda.gov/detail/r5/landmanagement/resourcemanagement/?cid=stelprdb5347192

Appendix B

UPlan Buildout Memo

Memo for the Record

DATE: August 28, 2014

TO: Bev Shane, Director
Darin Grossi, Director, Tuolumne County Transportation Council

FROM: Larry Beil, GIS Coordinator

RE: Residential Buildout Rate Employed by UPlan

After being employed in the Blueprint planning effort, UPlan is being used again after several years, this time in support of the General Plan Update and Regional Transportation Plan project. It was decided after consideration by Staff and the Board of Supervisors Planning Committee that the basic settings and assumptions used in the Blueprint effort after lengthy and exhaustive vetting, would continue to be used as part of the General Plan project. However, questions could arise about some of these assumptions so it is important to review some basic underpinnings used by UPlan in general and our Blueprint effort in particular before plunging ahead.

UPlan was originally constructed by UC Davis as a tool for predicting growth patterns in mostly urban areas, based on population growth. It is a basic assumption that new population will need additional housing units, and that those new residents will be employed in service, commercial or industrial locations and therefore also need additional construction of workplaces. The focus of this discussion is on the residential growth part of the UPlan model.

The UPlan model makes accommodations for there to be some areas or lots that are not subject to construction, resulting in space being allowed for road construction, intentional open space, and ultimately, some lots remaining vacant for various reasons including the preference of the owner. But UPlan assumes that all constructed housing units will be occupied eventually, and that has proven to be a problem for rural areas, particularly vacation destination locations such as Tuolumne County. We have a significant number of vacation and/or retirement homes that remain vacant on most days, and typically those get counted by the US Census as vacant. That percentage of the housing stock considered vacant by the Census was estimated as 25.8% in 2000. At the time of the consideration of how to employ the UPlan model in 2008, there was no direct setting for the model that would account for the fact that Tuolumne County has an “over-supply” of housing units that would normally be needed for the current population. After consideration with the UPlan model development staff at UC Davis, it was recommended that we then alter the allocation values for general residential unit demand in order to continue the rate of over-building.

As stated previously, one of the basic premises for the model is that new population demands new housing construction. So to account for the over-building, we made an adjustment in the number of residents that will be accommodated by each new dwelling unit. The 2000 Census told us the number of residents per occupied household is 2.33. Extending this value to include all of the dwelling units, brings the persons per household down to 1.701, which is what we used in the subsequent Blueprint UPlan model runs. The result is that we assume the number of new dwelling units being constructed in Tuolumne County would continue to result in an over-supply of new units at the same rate as before.

As a result of the 2010 Census the Census Bureau is currently estimating the percentage of vacant dwelling units in the County as 29.1%, an increase over the 2000 estimated percentage of 25.8%. Although there is no statistical evidence to specifically support this thesis, it has been an assumption of County staff that the rise in unoccupied units leading up to the April 2010 Census was at least partly driven by the number of foreclosed and otherwise vacant properties due to the Recession. How much of this "bump" has since recovered and if the vacancy rate has since declined is not known. The Census Bureau has also reduced the number of residents per occupied household slightly, from 2.33 persons per household to 2.3 persons.

For use in this current application of UPlan to support the General Plan Update and Regional Transportation Plan Update now in progress, the Tuolumne County Transportation Council (TCTC) has decided on employing the model using two time periods: from the present time (2014) until the year 2030; and from 2030 to 2040. Based on an analysis of the most recent population statistics and forecasts available from the State Office of Finance, TCTC decided to use the following population projections:

Time	From Population	To Population
Present to 2030	54,360	59,953
2030 to 2040	59,953	63,243

Two model runs would be used, one for each time period. It is important to remember that UPlan is based on population increases, so the time periods for each increase is not important to the model. Therefore, for UPlan model purposes is it is more important to view the two iterations based on the bumps in population. The first modeling iteration accounts for 5,593 persons above the assumed current population of 54,360, and the second iteration increases the population by another 3,290 persons.

To accomplish those two iterations, UPlan then plans on adding new residential units to accommodate the expanding population. If we use the same assumption regime as explained previously and employed during the Blueprint project, we would divide those population increases by 1.701 to account for the number of new dwelling units that will be necessary. Those new dwelling unit numbers the model will use for generating the land use demand will be 3,288 units and 1,934, respectively, for a total increase of 5,222 new dwelling units over an approximately 26 year period. If that growth would occur evenly distributed, or if viewed as a mean over the 26 year period, that would represent construction of 200 units per year between now and 2040.

The question could be posed that how many of the estimated vacant housing unit total of 9,088 are actually available for occupation if the demand was restored, and would be occupied in lieu of constructing some of that estimated 200 new units per year? Of course, this cannot be specifically known, just like the UPlan model can only attempt to project where growth is <u>likely</u> to go, but cannot determine individual property owner intent, etc. However, along that line I have been able to find the Census Bureau's best guess on the status of vacant housing units, and I have extracted that from the Census American Factfinder Website:

2010 Census Data

HOUSING OCCUPANCY	Number	Percentage[i]
Total housing units	31,244	100.0
Occupied housing units	22,156	70.9
Vacant housing units	9,088	29.1
For rent	705	2.3
Rented, not occupied	41	0.1
For sale only	559	1.8
Sold, not occupied	64	0.2
For seasonal, recreational, or occasional use	7,147	22.9
All other vacants	572	1.8
Homeowner vacancy rate (percent) [8]	3.5	(X)
Rental vacancy rate (percent) [9]	9.5	(X)

2000 Census Data (Data for Vacant Units Differs from 2010)

HOUSING OCCUPANCY	Number	Percentage
Total housing units	28,336	100.0
Occupied housing units	21,004	74.1
Vacant housing units (as Percentage of Total)	7,332	25.8
- Percent of Vacant Units For rent		6.1
- Percent of Vacant Units For sale only		4.7
- Percent of Vacant Units For seasonal, recreational, or occasional use		79.9
Homeowner vacancy rate (percent) [8]	3.5	(X)
Rental vacancy rate (percent) [9]	9.5	(X)

Comparing these somewhat different ways of showing the vacancy date does show that the estimated percentage of housing units in the "For seasonal, recreational, or occasional use" is virtually the same as the most current data (presently those seasonal use housing units are 78.6% of the vacant units, and in 2000 those seasonal use units were 79.9% of the vacant total). That means that the Census Bureau does not see a significant decline in seasonal use housing over the previous decade, and we don't currently have any statistical information that would indicate otherwise.

Building Permits Issued for New Dwelling Units by Year			
Year	Single Family Dwellings	Multi-family units/ Mobilehomes*	Total Residential Permits
1990	701	143*	544*
1991	387	113*	500*
1992	322	36*	358*
1993	241	2*	243*
1994	216	2*	218*
1995	180	0*	180*
1996	163	40	203
1997	240	71	311
1998	305	201	506
1999	212	43	255
2000	302	38	340
2001	288	47	335
2002	349	58	407
2003	463	46	509
2004	403	55	458
2005	415	30	445
2006	231	24	255
2007	186	4	190
2008	122	01	123
2009	49	24	73
2010	52	8	60
2011	44	16	60
2012	34	14	48
2013	33	19	52
			257.22

* Permit applications for Mobilehomes not included in data for years 1990-1995.