



COMMUNITY RESOURCES AGENCY

DAVID GONZALVES, CBO
Director

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

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633

www.tuolumnecounty.ca.gov

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TO: Tuolumne County Board of Supervisors

FROM: David Gonzalves, CBO
Community Resources Agency Director
Quincy Yaley, AICP
Community Resources Agency Assistant Director, Development

RE: Certification of the Environmental Impact Report and Adoption of the 2018 Tuolumne County General Plan and Ordinance Amending Tuolumne County Ordinance Code Title 17 to Expand the Range of Economic Activities Allowed on Agricultural Land and Agritourism Activities on Nonagricultural Land

California Government Code section 65300 requires the County to adopt a general plan for the physical development of the County. A general plan is more than the legal underpinning for land use decisions; it is a vision about how a community will grow, reflecting community priorities and values while shaping the future. The project before your Board is the 2018 Tuolumne County General Plan and the Ordinance amending Title 17 to expand the range of economic activities allowed on agricultural lands and agritourism activities on nonagricultural land and the Environmental Impact Report ("EIR") covering these actions. Upon the close of the public hearing, your Board will consider certifying the EIR and adopting the 2018 General Plan and Title 17 Ordinance. This memorandum covers the following information:

1. Summary of December 19, 2018 Planning Commission Meeting and Motion
2. Background on the General Plan Update Process
3. Public Outreach and Engagement
4. Overview of the General Plan Update
5. Overview of the Title 17 Zoning Code Revisions
6. Environmental Analysis
7. Planning Commission Action and Board Action

SECTION 1: SUMMARY OF DECEMBER 19, 2018 PLANNING COMMISSION MEETING AND MOTION

On December 19, 2018, the Tuolumne County Planning Commission considered the General Plan Update project. During the public comment, twenty-five (25) people addressed the Commission with their views on the General Plan Update. Six people indicated they supported the General Plan and its adoption, one speaker only had comments on the Title 17 revisions, and the remaining speakers voiced opposition. The concerns raised in the meeting with respect to the adoption of the General Plan Update project included:

- conversion of agriculture
- impacts on global warming
- impacts on fire safety
- language regarding noise requirements in the proposed language in Title 17

- lack of language regarding the preservation of natural resources, including oak woodlands
- the public hearing schedule and lack of adequate time to review the documents
- lack of available water for development
- vague language in policies and programs
- increase in high density housing areas
- lack of range of reasonable alternatives in the EIR

After discussion, the Planning Commission recommended several changes to language in the General Plan document, and recommended that the Board of Supervisors approve the General Plan Update project. The Planning Commission motion is attached as Exhibit A to this Staff Report. In addition, the Planning Commission requested staff to ensure that the Board of Supervisors was made aware of their concerns over fire safety issues and they urged the Board to continue to make fire safety a high priority. The Commission acknowledged that the General Plan deals with the future of Tuolumne County, and that future construction isn't where the greatest risk to fire safety is found. The Planning Commission strongly encouraged the Board to create a committee to address the fire safety concerns raised by the public during the meeting, which included fuel reduction measures and fuel breaks, evacuation routes and entrapment issues, approving new development in extreme fire hazard areas, lack of sleeping facilities at fire stations, and understaffed stations and out of date equipment. The unapproved minutes from this meeting are located in Exhibit G of this report. Additional correspondence received since the publication of the Final Environmental Impact Report is located in Exhibit H.

SECTION 2: BACKGROUND ON THE GENERAL PLAN UPDATE PROCESS

The General Plan Update before your Board is the culmination of over a decade of planning work involving the County, partner agencies and the public. The General Plan Update is built upon these previous planning efforts and documents, including:

- Tuolumne Tomorrow: Tuolumne County Regional Blueprint Project Report (2012)
- Tuolumne County Regional Blueprint Greenhouse Gas Study (2012)
- Tuolumne County General Plan and Regional Transportation Plan Evaluation and Analysis Report (2013)
- Tuolumne County *Health in All Policies Review* (2013)
- 2016 Regional Transportation Plan and Environmental Impact Report (adopted January 2017)

On September 17, 2013, the Tuolumne County Board of Supervisors directed CRA staff to prepare a comprehensive update of the Tuolumne County General Plan, which was adopted on December 26, 1996. At that time, the Board also designated the Board of Supervisors Planning Committee as the Steering Committee for the General Plan Update. As part of the General Plan Update project, the Board of Supervisors directed the Agricultural Advisory Committee to develop revisions to Title 17 of the Tuolumne County Ordinance Code to expand the range of economic activities allowed on agricultural lands and agritourism activities on nonagricultural land.

After receiving public comments on the draft document released in late 2015, CRA staff revised the General Plan Update to improve readability and make the document more user-friendly for the public. The proposed General Plan Update before your Board is a comprehensive update to the 1996 Tuolumne County General Plan for the planning horizon through 2040 and includes all actions necessary to revise and replace the 1996 Tuolumne County General Plan.

Once the draft General Plan Update and Title 17 Revisions were completed, the County commenced the environmental review process under the California Environmental Quality Act (“CEQA”) with the assistance of a consultant. The Draft EIR was circulated for public comment in late 2015. Based on the public comments received, the County determined additional environmental analysis was necessary to appropriately evaluate the General Plan Update. The County engaged Ascent Environmental to draft the Recirculated Draft EIR. In August 2018, the revised General Plan Update, Title 17 Revisions and Recirculated Draft EIR were made available for public review. Now that the public comments have been reviewed, the General Plan Update, Title 17 Ordinance and Final EIR are ready for review by the Planning Commission and Board of Supervisors. Both the Planning Commission and Board of Supervisors hold a public hearing when considering the project. The Planning Commission is a recommending body to the Board of Supervisors, who will make the final decision on the General Plan Update and Ordinance Amending Title 17.

SECTION 3: PUBLIC OUTREACH AND ENGAGEMENT

Community involvement in the General Plan Update process started even before the official 2013 kickoff. Public participation was integral during the previous planning efforts identified above. Between 2013 and 2015, CRA staff held numerous meetings across the County to solicit public input on the General Plan Update.

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, one in the City of Sonora with the Board of Supervisors and another in the community of Groveland with County staff. At the workshops, 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 revisions. In addition, the public was invited to provide initial comments on the General Plan Update. The Tuolumne County Planning Commission conducted a 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 in 2015 by mail and staff was available to discuss questions and clarifications regarding proposed land use changes with individual property owners.

Beginning in 2017, CRA staff again met with stakeholder groups and representatives, including the Tuolumne County Farm Bureau, Farms of Tuolumne County, Tuolumne County Business Council, Tuolumne Band of Me-Wuk Indians, Chicken Ranch Rancheria, Tuolumne Utilities District, Tuolumne Heritage Committee, Central Sierra Environmental Resource Center, and other interested groups and individuals.

In the spring of 2018, CRA staff re-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 General Plan Update website and in the newspaper. The information sessions discussed the following topics:

- General Plan/EIR 101
- Community Plans
- General Plan Implementation
- How to comment on the General Plan/EIR

CRA staff also made presentations at the Tuolumne-Stanislaus Integrated Regional Water Management Group, Tuolumne Rural Action Coalition, the Tuolumne County Board of Realtors, and the Airport Land Use Commission. After the Draft General Plan Update and Recirculated Draft EIR were released, CRA staff held town hall meetings in August and September 2018 in the communities

of Jamestown, Columbia, Tuolumne and Groveland, at which community members were invited to provide comments on the General Plan Update.

SECTION 4: OVERVIEW OF THE GENERAL PLAN UPDATE

General Plan Objectives

The 2018 Tuolumne County General Plan has three overarching vision statements, as follows:

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

These vision statements are repeated throughout the General Plan Update to emphasize each element's link to the County's vision of the future for residents and visitors. The vision statements were derived from the Board of Supervisors General Plan Ad Hoc Committee and input from the Board of Supervisors. Specifically, the Board of Supervisors gave direction to not down-zone any property in the County unless requested by the property owner and to create policies that support and maximize the flexibility of private property owner rights.

Organization

The overall format of the General Plan Update is a series of individual volumes that together meet the State-mandated general plan requirements while providing a usable guide for community members to understand and access the 2018 Tuolumne County General Plan. The following is an outline of the 2018 General Plan:

- Volume I: General Plan Policy Document
- Volume II: Technical Background Report
- Volume III: Community Plans
- Volume IV: Environmental Impact Report ("EIR," discussed under a separate heading below)

The General Plan Policy Document (Volume I) provides an overall framework for development in the County and protection of its natural and cultural resources, rural character, and the rights of its residents and property owners. The goals and policies contained in the General Plan Update apply throughout the County, except within the boundaries of the incorporated City of Sonora, and are supplemented by the policies contained in the Community Plans (Volume III), which apply within specific community boundaries.

The information contained in the Technical Background Report (Volume II) provides the technical background for the goals, policies, and programs contained in the Volume I of the 2018 Tuolumne County General Plan. The Technical Background Report contains the land use designation map, circulation plan and other diagrams and charts needed for implementation of the General Plan. The Technical Background Report also includes acronyms and definitions that are applicable throughout the four volumes.

The Community Plans (Volume III) provide a more detailed focus on specific geographical areas within the unincorporated County. The goals and policies contained in the Community Plans supplement and elaborate upon the goals and policies of the Countywide General Plan.

The land use designations for parcels within the respective Community Plans are the same as those in the Countywide General Plan; therefore, the density and intensity standards for each land use designation are the same regardless of whether a parcel lies within or outside the jurisdictional boundaries of a Community Plan. Parcels covered by a Community Plan are subject to the development standards contained in that plan, such as architectural design guidelines or residential development amenities standards, as well as those in the Countywide Plan. Parcels lying outside of Community Plan boundaries are subject only to the specifications of the Countywide policies and development standards.

The General Plan Update includes statements of goals, policies, implementation programs, land use diagram and circulation plan, all of which constitute Tuolumne County's policies for land use, development and environmental quality. These statements are defined as follows:

- Goal - The ultimate purpose of an effort stated in a way that is general in nature and immeasurable.
- Policy - A specific statement in text or diagram guiding action and implying clear commitment.
- Implementation Program - An action, procedure, program, or technique that carries out General Plan policy.
- Land Use Diagram – illustrates the land use designations and indicates the type, intensity and distribution of land uses for all parcels within the unincorporated area of Tuolumne County.
- Circulation Plan – illustrates the transportation system to accommodate the level of traffic generated by current and future development, both in terms of distribution and intensity, correlated with the designations in the land use diagram.

General Plan Elements

Government Code Section 65302 states that, "The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals." These policies shall cover a variety of issues in eight mandated elements: Land Use, Circulation, Housing, Conservation, Open Space, Noise, Safety, and Environmental Justice. The Government Code authorizes the County to include an unlimited number of optional elements in its General Plan in addition to the mandatory elements, which are described below.

The 2018 Tuolumne County General Plan includes seven of these elements, having combined "Conservation" and "Open Space" into the "Natural Resources" Element. Land Use is called "Community Development and Design" and the Circulation Element is called "Transportation". The required contents of the Safety Element can be found in the "Natural Hazards" Element and "Public Safety" Element. As of June 2018, the County of Tuolumne does not have any identified "disadvantaged communities" and is therefore not required to include an Environmental Justice element. Additionally, the General Plan Update includes 11 optional elements. A summary of the 18 proposed elements is below.

Volume I: General Plan Policy Document

COMMUNITY DEVELOPMENT AND DESIGN ELEMENT

This element is the core of the General Plan Update because it essentially establishes what land uses can be conducted in which locations. A land use element must, at a minimum, include land use maps or diagrams, as well as population density and building intensity standards.

The Community Development and Design Element describes the general distribution, location, and extent of various land uses. It contains a statement of the standards of population density and building intensity, types of permissible uses, and special development and permit review requirements. Twenty primary designations have been established to provide a mixture of land uses for the 1.4 million acres comprising unincorporated Tuolumne County. Overlay designations have also been established to recognize areas that have constraints to development or opportunities for conserving valuable resources. To illustrate the distribution of the land use designations established by the General Plan Update, the 20 primary designations have been generalized into four categories: Public/Agriculture/Other, Commercial, Residential, and Industrial. The goals, policies, and implementation programs in this Element support the land use principles in the land use diagram and provide other direction to guide decisions about land use, community development, and design.

Property Owner Change Requests

Prior to the initiation of the EIR in 2015, some property owners contacted County staff and requested changes to land use designations on their properties. These were considered by staff and were recommended for inclusion in the Draft EIR. If a property owner submitted a land use designation change after the completion of the 2015 Draft EIR, the request was not included in the 2018 Recirculated Draft EIR (discussed further below), and is being presented in Exhibit C for consideration by the Board of Supervisors. The Planning Commission recommended these requests be included in the 2018 General Plan.

TRANSPORTATION ELEMENT

The purpose of the Transportation Element is to determine a baseline of existing transportation and circulation conditions in Tuolumne County, establish projected future circulation needs through 2040, and provide policy direction and implementation efforts to ensure the continued efficient movement of people and goods while simultaneously striving toward reduced vehicle emissions and associated greenhouse gases.

The goals and policies in the Transportation Element aim to preserve the County's existing transportation infrastructure and provide for the long-range planning and development of the County's transportation system for the safe and efficient movement of people and goods. It also aims to encourage the use of alternative means of transportation by providing safe bicycle and pedestrian facilities within and between communities with high traffic volumes, thereby reducing road congestion and improving circulation, health and air quality within the County.

The Planning Commission recommended a revision to Implementation Program 4.E.f to promote the expansion of the CAL FIRE Air Attach Base at the Columbia Airport. (See Exhibit A)

HOUSING ELEMENT

The Housing Element describes a variety of policies and programs intended to conserve the existing supply of housing in unincorporated Tuolumne County, including affordable housing, as well as to provide capacity for the development of new housing in accordance with the County's Regional Housing Needs Assessment (RHNA) allocation. The Housing Element will be comprehensively updated in 2019, including accommodation of the County's RHNA allocation, as required by the State of California Department of Housing and Community Development.

NATURAL RESOURCES ELEMENT

To ensure the maximum coordination between the management and use of natural resources and open spaces in Tuolumne County, the State-required Conservation Element and Open Space Element are combined into this single Natural Resources Element. This Element establishes policies

related to open space lands for the preservation of natural resources, open space used for the managed production of resources, social-use open spaces, and open space for public health and safety. Natural resources considered include forests, soils, fisheries, wildlife, plants, energy, minerals, and viewsheds.

The Planning Commission recommended a revision to Implementation Program 16.B.j to clarify how oak woodland percentages are to be calculated. (See Exhibit A)

NOISE ELEMENT

The purpose of the Noise Element is to identify the existing and projected future noise environment in Tuolumne County, and provide policy direction and implementation efforts to protect County residents from exposure to excessive noise levels. This Element provides the basis for comprehensive local policies to control and abate environmental noise from stationary and mobile noise sources and reduce conflicts between noise and noise-sensitive land uses. California Government Code Section 65302 also requires that noise contours be identified for all of these sources and stated in terms of community noise equivalent level or day-night average sound level. The noise contours must be prepared on the basis of noise monitoring or following generally accepted noise modeling techniques for various noise sources.

NATURAL HAZARDS ELEMENT

The intent of the Natural Hazards Element is to reduce or eliminate long-term risk to people and property. This Element concentrates on those hazards and community factors that are within the responsibility of the County to mitigate. These include land use decisions and patterns of development that directly and indirectly affect the health, well-being, and personal/property protection of County residents, and the mitigation of potential natural hazards.

UTILITIES ELEMENT

The purpose of the Utilities Element is to address the public facilities and services necessary to support the current and future residents and visitors of Tuolumne County. The focus of this Element is on those services provided by the County of Tuolumne and other local agencies related to public water, sewer, and solid waste, and how the need for those services relates to future growth.

ECONOMIC DEVELOPMENT ELEMENT

In 1990, the City of Sonora and the County of Tuolumne jointly adopted an Economic Development Policy. One of the measures included in that policy was to develop and adopt an Economic Development Element for the General Plan. The purpose of the Economic Development Element is to outline a policy framework and implementation programs whereby economic development benefits local citizens, businesses, and public, private, and non-profit sectors. The Economic Development Element also supports and encourages development or expansion of communications and airport facilities.

MANAGED RESOURCES ELEMENT

The Managed Resources Element establishes policies and implementation programs to promote the stability and productivity of the County's timber and mineral lands and related industries. This Element is intended to provide clear guidelines for land use decisions in timberland areas and express policies that promote and protect the current and future needs of Tuolumne County's timberland resources. The Managed Resources Element recognizes that working landscapes provide stewardship values for the County's natural environment and that stewardship of the County's natural resources includes the productive use of resources.

AGRICULTURE ELEMENT

The Agriculture Element addresses the important agricultural industries in the County and identifies measures to protect agricultural lands from the encroachment of development as well as incentives to retain these lands in agricultural production, including increased flexibility to allow more agritourism uses to support agricultural operations. This Element is intended to provide clear guidelines for decisions in agricultural areas and to promote the stability and productivity of the County's agricultural lands.

HEALTHY COMMUNITIES ELEMENT

Tuolumne County is committed to promoting the health and well-being of all its residents. Therefore, the Healthy Communities Element was created to address three public health and land use issues: physical activity, access to healthy foods and nutrition, and smoke-free living. Potential physical development that may result from the Healthy Communities Element may include constructing pedestrian routes, sidewalks, bicycle lanes, and mixed-use development and orienting development near street infrastructure to encourage walkability.

PARKS AND RECREATION ELEMENT

The Parks and Recreation Element contains an assessment of the recreational needs of residents and tourists of Tuolumne County. Goals and policies have been formulated for providing the recreational facilities identified as being needed through that assessment. Another important aspect of this Element is the identification of sources of funding for acquisition, development, and maintenance of new parks and recreational facilities. Physical development that may occur as a result of the Parks and Recreation Element policies include the acquisition or construction of new parks and the construction of bicycle and pedestrian trails near the County's major population centers and transportation networks. A revised policy in the 2018 Draft General Plan is a change from providing recreation facilities at ratio of 30 acres per person to 5 acres per 1,000 people. The 5 acre per 1,000 person policy is in line with the requirements in the Quimby Act.

EDUCATION AND LIBRARIES ELEMENT

The purpose of the Education and Libraries Element is to address the public facilities and educational services necessary to support the current and future residents and visitors of Tuolumne County. This Element also identifies mechanisms for funding these important services for new and existing development.

The Planning Commission recommended a revision to Implementation Program 12.A.a to expand school partners to all public schools when identifying future school sites. (See Exhibit A)

CULTURAL RESOURCES ELEMENT

The Cultural Resources Element includes a priority system for protection of cultural resources based on significance criteria and policies for management of these resources. This Element also identifies means of streamlining the review process by identifying when cultural resource studies are required.

WATER SUPPLY ELEMENT

The Water Supply Element includes policies designed to ensure access to County water; diversify the County water portfolio; achieve adequate water storage; and ensure secure, safe, and sustainable water and sewer infrastructure. The driving force is to ensure adequate water supplies to meet the diverse needs of a healthy and economically viable community. Such water supply needs

include domestic consumption; fire protection; economic development; base industries, such as recreation and agriculture; and habitat protection.

AIR QUALITY ELEMENT

The Air Quality Element was drafted in consultation with the Tuolumne County Air Pollution Control District and focuses on development standards to minimize pollution of the County's air. Key provisions of the Air Quality Element include reducing vehicular emissions and greenhouse gases through land use planning and transportation planning that promote public transit, pedestrian, and bicycle access to homes, businesses, schools, and civic centers; siting sources of industrial air pollutants away from residences and other sensitive receptors; and minimizing wood smoke from woodstoves and burning activities associated with fire hazard reduction and forest management practices.

PUBLIC SAFETY ELEMENT

The Public Safety Element is the primary vehicle for relating local safety planning to County land use decisions. While the Community Development and Design Element identifies areas where hazardous land uses may be located, the Public Safety Element contains policies for determining acceptable levels of public risk imposed by these land uses, as well as policies for mitigating the effects of human-caused catastrophes. This Element, while focusing on fire, also addresses other public safety issues relevant to Tuolumne County, including emergency services, crime, and hazardous waste.

CLIMATE CHANGE ELEMENT

The Climate Change Element is intended to guide regional and local land use and transportation decisions toward sustainability, while meeting residents' needs and providing a high quality of life. The Climate Change Element identifies policies and programs that the County can implement to reduce greenhouse gas emissions consistent with state greenhouse gas targets and promotes the adaptation and resiliency of the County's communities in a changing climate.

Volume III: Community Plans and Community Identity Element

Plans for five of Tuolumne County's identified 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. These plans address the same issues discussed in the individual General Plan elements described above, but at a community level. Each plan has been prepared to reflect the character of the community. For example, the Columbia plan emphasizes historic preservation, while the East Sonora plan focuses on design standards and creating a sense of place. These plans are not intended to be stand-alone documents, but rather to provide a close-up of the community within the context of the General Plan. The 2018 General Plan 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 additional community outreach through a comprehensive process to update the community plans.

COMMUNITY IDENTITY ELEMENT

In 1992, the Blue Ribbon Growth Management Report recommended the inclusion of a Community Identity element in the General Plan to address quality-of-life issues, including aesthetic values, rural character, community involvement and history. The Community Identity Element, originally adopted in 1996, provides the framework for preserving the uniqueness and character of each community within the County. It is designed to establish a blueprint for creating more livable environments while preserving and enhancing the character and identity of each community.

Several new policies are proposed to be added to the Community Identity Element to continue to preserve the County's rural heritage and scenic quality by promoting growth within and adjacent to existing communities.

JAMESTOWN COMMUNITY PLAN

The Jamestown Community Plan is a part of the Tuolumne County General Plan that allows for greater local input into planning the growth and development of the community of Jamestown. This plan has been formulated to be consistent with the Countywide General Plan, but certain policies and implementation programs are more restrictive in order to meet specific needs of the Jamestown community. The Jamestown Community Plan complements the General Plan and, as such, its policies and implementation programs are to be implemented in addition to those contained in all of the elements of the General Plan. The long-range growth and development policies contained within this Community Plan were framed to guide the Jamestown Community through orderly growth.

The Jamestown Community Plan was comprehensively updated in 2011, clarifying existing policies and programs and adding new policies and implementation programs to provide for the orderly development within the Jamestown planning area. The 2011 amendments to the Jamestown Community Plan included updating all maps and diagrams and adding implementation programs regarding illumination of signage, drought resistant landscaping, urban development boundaries, recreational facilities, funding mechanisms for a circulation study, off-street parking credit system, and the development of a library, western film set, museum and historic walks.

Proposed changes in the General Plan Update to the Jamestown Community Plan are minor and primarily consist of sentence restructuring and adding a new policy to identify and encourage community focal points and provide a mixture of residential and neighborhood commercial uses.

COLUMBIA COMMUNITY PLAN

The townsite of Columbia is an outstanding historic resource that provides economic benefits to the County by encouraging tourism in a manner that does not conflict with the existing quality of life. The significance of Columbia State Historic Park is that it is a living Gold Rush town, one that is able to demonstrate its own importance in the history of the California Gold Rush. The Columbia Community Plan seeks to aid in the preservation and vitality of the State Historic Park through the conservation of both the natural and cultural environments that surround the park. The Community Plan seeks to facilitate not only commercial and residential needs but also to balance those needs by providing for uses and designs compatible with the State Park.

The Columbia Community Plan was comprehensively updated in 2009, adding or amending goals, policies and implementation programs to encourage compact, pedestrian-oriented commercial and mixed use development, encourage development at the Pedro Wye and within the townsite of Columbia, preserve existing commercial zoning, and protect mature vegetation and historic mining landscapes. Therefore, only minor changes to the Columbia Community Plan are proposed as part of the General Plan Update.

EAST SONORA COMMUNITY PLAN

The East Sonora Community Plan dates back to the early 1970s when the East Sonora Area Plan was originally proposed. At that time, the plan was considered as a growth plan for the East Sonora area; a plan was drafted, but was never officially adopted. In 1985, the East Sonora Area Business Association requested the Planning Department to resurrect and revise the earlier community plan. The 1985 proposal mapped out the boundaries of the East Sonora community, focused on the Highway 108 Bypass route, and was to address the issue of melding commercial and industrial

activities with surrounding residential neighborhoods.

Proposed changes in the General Plan Update to the East Sonora Community Plan are minor and primarily consist of name changes, sentence restructuring, editing policies and implementation programs that have already been completed and adding a new policy to encourage development of neighborhood commercial uses near residential uses or community centers.

TUOLUMNE COMMUNITY PLAN

The original company-town of Carter, developed in 1899 by the West Side Flume and Lumber Company, exhibits the quintessential elements of a planning approach known as Traditional Neighborhood Design. Traditional Neighborhood Design emphasizes mixed-use pedestrian-oriented, “old-fashioned” neighborhoods instead of separated shopping centers, office parks, industrial parks and housing developments. Elements of Traditional Neighborhood Design are evident within the Tuolumne townsite today.

The Tuolumne Community Plan was adopted in 2007. Due to the recent adoption of this Element, no extensive updates were made to the Tuolumne Community Plan. Proposed changes in the General Plan Update to the Tuolumne Community Plan are minor and primarily consist of sentence restructuring and editing policies and implementation programs that have already been completed.

MOUNTAIN SPRINGS COMMUNITY PLAN

The Mountain Springs Community Plan was proposed by a private developer and approved by the Board of Supervisors in 2008. It is located in the central region of Tuolumne County. The Community Plan is within an area proposed for new development, consistent with the Tuolumne County General Plan, to accommodate a portion of the County’s anticipated growth. Staff is not proposing to amend any portion of the Mountain Springs Community Plan.

SECTION 5: OVERVIEW OF THE TITLE 17 ZONING CODE REVISIONS

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 of the General Plan Update, the project before your Board also includes amendments to Title 17 of the Tuolumne County Ordinance Code, which would expand the range of activities allowed on agricultural lands and agritourism activities on nonagricultural land. The proposed changes to Title 17 can be generalized into the following categories:

- Administrative/non-substantive changes to align the ordinance code with current regulations.
- Addition/revisions to the definitions in Chapter 17.04, such as the definition of “general farming and ranching” and modifying the definition of “agricultural labor housing.”
- The addition/modification of permitted and conditional land uses with similar land development impacts as what is currently listed as permitted/conditional uses as well as the removal of land uses in the following zoning districts: TPZ, AE-37, A-20, A-10, RE-1, RE-2, RE-3, RE-5 and RE-10.
- The addition of two new zoning districts: Chapter 17.07 Exclusive Agricultural, one hundred sixty-acre minimum (AE-160) and Chapter 17.08 Exclusive Agricultural, eighty acre minimum (AE-80). These proposed zoning districts are intended to allow property owners engaged in large-scale agricultural operations to up-zone property to further protect agricultural operations in the County by increasing the minimum parcel size. Larger minimum parcel sizes could also result in increased efficiencies in agriculture operations.
- New language in Chapter 17.52, General Provisions and Exception, regarding the operation of commercial events on agricultural land. Commercial events would be permitted uses in the A-20, AE-37, AE-80, and AE-160 zoning districts and conditional uses in the A-10, RE-10, and RE-5 zoning districts. Section 17.52.220 outlines the requirements that these commercial

events must comply with, in addition to a list of performance standards which includes the provision of sanitation facilities, the hours of operation, noise levels, parking requirements, signage, waste management, and building requirements. Use permits would also be able to be secured to increase the size of events, allow additional events, or request modifications to the performance standards.

Additional revisions to the Title 17 changes are proposed as mitigation identified in the Recirculated Draft EIR and in response to comments received during the public comment period. The full text of the proposed amendments to Title 17 can be seen in Exhibit D to this staff report. The Planning Commission recommended one revision to TCOC section 17.52.220(C)(6) regarding the location of noise measuring for commercial events. (See Exhibit A.)

SECTION 6: ENVIRONMENTAL ANALYSIS

Environmental Documentation

The California Environmental Quality Act (CEQA) requires all local and State governmental agencies to consider the environmental consequences of projects over which they have discretionary authority. Public Resources Code Section 21065 defines a project as “an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.” Therefore, Tuolumne County, as the lead agency, is required to analyze the environmental impacts of the General Plan Update project.

Tuolumne County has determined that the size, scale, and potentially significant impacts resulting from the General Plan Update project require the preparation of an Environmental Impact Report (EIR). Consistent with CEQA, the EIR is an informational document which will inform public agency decision-makers and the public about the significant environmental effects of the General Plan Update project, and about mitigation measures and/or alternatives to the project to minimize the project’s significant adverse impacts (CEQA Guidelines Section 15121(a)). The series of actions analyzed in the EIR include reasonably foreseeable future development in the unincorporated County based on the horizon year of 2040 for the General Plan Update, as well as associated updates to plans, programs, and policies that support the General Plan. While the General Plan Update EIR identifies potential impacts that would result from project implementation, the analysis is not detailed to the level of site specificity. The EIR identifies a range of potential impacts resulting from reasonably foreseeable future development allowed under the 2018 Tuolumne County General Plan and identifies mitigation measures that will guide future development and reduce identified potentially significant effects.

The Tuolumne County 2018 General Plan EIR is a public document that assesses the overall environmental effects of the General Plan Update at a program level of detail and indicates ways to reduce or avoid reasonably foreseeable environmental damage. The General Plan EIR generally analyzes broad potential environmental effects and provides a baseline against which future site-specific land use projects can be evaluated. Where subsequent CEQA documentation is required for a future project, the County will implement the applicable mitigation measures developed in the General Plan EIR and focus its analysis on site-specific issues that cannot otherwise be addressed at a program or policy level of analysis. The General Plan EIR is to be used as a companion document with the Tuolumne County General Plan Policy Document, the Technical Background Report, and the Community Identity and Community Plans Document.

In order to minimize the need to reanalyze a series of projects related to the General Plan, CEQA and the State CEQA Guidelines encourage using a General Plan EIR to address certain subsequent discretionary projects, such as adopting zoning ordinances and specific plans and approving capital improvement or development projects that are consistent with the General Plan. This streamlined approach to environmental review is commonly called “tiering” (CEQA Guidelines § 15152). By using

a tiered approach, the environmental review for a subsequent project can be limited to those project-specific significant effects that either could not be examined or not examined fully in the General Plan EIR. Later activities that have been described adequately under the Program EIR will not require additional environmental documents. Similarly, CEQA offers the ability for projects that are consistent with the development density established by General Plan policies for which an EIR was certified to evaluate only project-specific significant effects particular to the project or its site (CEQA Guidelines § 15183).

2015 Draft Environmental Impact Report

On August 12, 2015, the County sent a Notice of Preparation (NOP) to responsible, trustee, and Federal agencies, as well as to organizations and individuals potentially interested in the General Plan Update. The NOP requested that agencies with regulatory authority over any aspect of the General Plan describe that authority and identify the relevant environmental issues that should be addressed in the EIR. Interested members of the public were also invited to comment. The County circulated the 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 engaged Ascent Environmental to prepare the Recirculated Draft EIR.

Recirculated Draft Environmental Impact Report (RDEIR)

The RDEIR addresses the potentially significant adverse environmental impacts that may be directly or indirectly associated with implementation of the General Plan Update. The following resource areas were analyzed and found not to have potentially significant impacts in the RDEIR:

- Aesthetics
- Air Quality
- Energy
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Population and Housing
- Public Facilities
- Mineral Resources
- Recreation
- Utilities and Service Systems
- Mandatory Findings of Significance

The following resource area was analyzed and found to have potentially significant impacts in the RDEIR, which would be reduced to a level of less than significant with the implementation of mitigation measures:

- Biological Resources

The following resource areas were analyzed and found to have potentially significant impacts in the RDEIR, which, despite the implementation of mitigation measures, would still be significant and unavoidable:

- Agriculture and Forestry Resources
- Cultural and Paleontological Resources
- Greenhouse Gases
- Noise
- Transportation and Traffic
- Cumulative Impacts related to loss of farmland, climate change and transportation

A summary of the impacts of the General Plan Update project and proposed mitigation measures can be found in Table ES-1 of the RDEIR. Of note, Mitigation Measure 3.2-1 regarding the conversion of agricultural land has been revised as set forth in Chapter 4 of the Final EIR to incorporate the recently released NRCS soils data.

Alternatives

As required by Section 15126.6(a) of the State CEQA Guidelines, the RDEIR examined a range of reasonable alternatives to the General Plan Update. Alternatives were selected for evaluation that could feasibly accomplish most of the basic objectives of the General Plan Update and could avoid or substantially lessen one or more of the significant effects of the General Plan Update. The alternatives evaluated in the 2015 Draft EIR were a “No Project” alternative, a “Public Services” alternative, and a “Recent Trends” alternative. In response to comments received on the 2015 Draft EIR, the “Historic Structure” alternative, the “Williamson Act Property Preservation” alternative, and a “Modified Public Services” alternative were added to the RDEIR. The RDEIR considered but dismissed from further evaluation a “Reduced Development” alternative, an “Existing Capacity” alternative, and a “Conservation” alternative.

CEQA requires the identification of an “environmentally superior” alternative among the options studied. At the conclusion of the alternative analysis, it was found that the “Modified Public Services” alternative was the environmentally superior alternative. A detailed analysis of the alternatives is found in Chapter 6 of the RDEIR.

Public Comment and Responses

A Notice of Availability of the RDEIR was published on August 27, 2018. The RDEIR was available for public review from August 27, 2018 to October 11, 2018. At the conclusion of the 45-day comment period, letters were received from 6 public agencies, 7 organizations, and 16 individuals.

Common themes were found throughout the comments received on the RDEIR. Rather than repeat information, the Response to Comments includes six “Master Responses” on the following topics:

- Vertical Consistency between the General Plan and Zoning Code
- Population Projections
- Agricultural Policies
- Oak Woodland Policies
- Wildlife Resources
- Fire Safety

Responses to specific comments, in addition to the master responses listed above, are found in the

Final EIR. After reviewing the comments from the public review period, staff determined that several changes were necessary in the General Plan Policy Document. These changes include language revisions as well as changes to land use designations on specific properties. Land owners where changes were proposed after the public comment period were notified by mail. In addition, the Airport Land Use Commission made several recommendations during their meeting on November 8, 2018. Lastly, the FEIR Chapter 1 (pg. 1-4) lists "Contribution to cumulative air quality impacts" as a major conclusion of the RDEIR. This is an error as the General Plan Update's contribution to cumulative air quality impacts would not be cumulatively considerable. The Final EIR will be revised to reflect the accurate conclusion. Additionally, minor revisions and typographical errors in the RDEIR and Final EIR have been identified and corrected. These language and land use designation changes are outlined in Exhibit C of this staff report.

Certification of the Final Environmental Impact Report

Before approving the General Plan Update project, the Board of Supervisors must certify that the EIR complies with CEQA, reflects the County's independent judgment and analysis, and was presented to the Board, which reviewed and considered the information in the EIR before approving the project. Section 15151 of the CEQA Guidelines states in part "an EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible." It is the Community Resources Agency's determination that the EIR meets the intent of this section. The document thoroughly discusses all potentially significant environmental issues, contains all sections required by law, and adheres to all review periods and time requirements. All issues raised during the review of the RDEIR are thoroughly discussed in the Final EIR.

Findings of Fact and Statement of Overriding Considerations

In approving a project, for each significant impact of the project identified in the EIR, the County must find, based on substantial evidence, that either: (a) the project has been changed to avoid or substantially reduce the magnitude of the impact; (b) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or (c) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible. (CEQA Guidelines Section 15091.) If the County approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the County's decision and explains why the project's benefits outweigh the significant environmental effects. The draft Findings of Fact and Statement of Overriding Considerations for the General Plan Update project is attached to this report as Exhibit E. The draft Mitigation and Monitoring Reporting Program, which will ensure the mitigation measures are implemented, is attached to this report as Exhibit F.

SECTION 7: PLANNING COMMISSION RECOMMENDATION AND BOARD ACTION

At the December 19, 2018 Planning Commission meeting, the Planning Commission unanimously voted to recommend approval to your Board on the following items:

- 1) Certification of the Environmental Impact Report, 2) Adoption of the Findings of Fact, the Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Plan, 3) Approval of the 2018 Tuolumne County General Plan, including incorporation of additional revisions in Exhibit C, and 4) Adoption of an Ordinance to revise Title 17 of the Tuolumne County Ordinance Code to expand the range of economic activities allowed on agricultural lands and agritourism activities on nonagricultural land. The Planning Commission's recommendation also included revisions to Implementation Programs 4.E.f, 12.A.a and 16.B.j (second bullet) and TCOC Section

17.52.220(C)(6). The Planning Commission's full motion is provided as Exhibit A to this staff report.

Board Recommendation

The Community Resources Agency requests your Board approve the General Plan Update project, including the following:

1. Adopt the Resolution to Certify the Environmental Impact Report, incorporating the revisions set forth in Exhibit C, Adopt the Findings of Fact, the Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Plan pursuant to the California Environmental Quality Act and Adopt the 2018 Tuolumne County General Plan, incorporating the revisions set forth in Exhibits A and C;
2. Approve Ordinance to revise Title 17 of the Tuolumne County Ordinance Code to expand the range of economic activities allowed on agricultural lands and agritourism activities on nonagricultural land, incorporating the revision set forth in Exhibit A.

Exhibit A: Planning Commission Motion

Exhibit B: Certification and Adoption Resolution (without Exhibits)

Exhibit C: Language and Land Use Designation Changes from ALUC, Public, and Response to Comments; Corrections to EIR

Exhibit D: Proposed Revisions to Title 17 of the Tuolumne County Ordinance Code; Draft Ordinance Revising Title 17

Exhibit E: Draft Findings of Fact and Statement of Overriding Considerations

Exhibit F: Draft Mitigation and Monitoring Reporting Program

Exhibit G: Planning Commission Minutes from December 19, 2018-Unapproved

Exhibit H: Additional Correspondence

The full General Plan Update, Recirculated DEIR, and Final EIR, along with supporting documentation can be found here: <https://www.tuolumnecounty.ca.gov/889/General-Plan-Update>

EXHIBIT A

December 19, 2018

PLANNING COMMISSION MOTION

Motion to recommend approval of the General Plan Update project, including the following, to the Board of Supervisors:

1. Certify the Environmental Impact Report;
2. Adopt the Findings of Fact, the Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Plan pursuant to the California Environmental Quality Act;
3. Adopt the 2018 Tuolumne County General Plan, including incorporation of additional revisions in Exhibit A of the staff report;
4. Approve Ordinance to revise Title 17 of the Tuolumne County Ordinance Code to expand the range of economic activities allowed on agricultural lands and agritourism activities on nonagricultural land.

The recommendation includes the following revisions:

Implementation Program 4.E.f: Promote the retention **and expansion** of the California Department of Forestry and Fire Protection (CAL FIRE) Air Attack Base at the Columbia Airport by accommodating CAL FIRE operational needs at the airport and working with the local community to influence the State to keep the Air Attack Base at its current location.

Implementation Program 12.A.a: Work closely with ~~school districts~~ **public schools** to identify future school sites that are compatible with land use, transportation, air quality plans, and pedestrian routes.

Implementation Program 16.B.j (Second bullet): 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 **total oak canopy cover onsite** ~~oak canopy woodland stand on the parcel~~, if the conversion or loss is determined by trained professional (ADDED FROM EIR) to be substantial in consideration of, but not limited to, the following

TCOC Section 17.52.220(C)(6): Noise generated by the event shall not exceed a noise level of 60 dB Leq (1 hour) from 10:00 a.m. to 7:00 p.m. or 50 dB Leq (1 hour) from 7:00 p.m. to 2:00 a.m. as measured ~~at a residence on any adjacent parcel~~ **at the property line**.

EXHIBIT B

Filed _____, 2019

No. _____

By _____
Chief Deputy Clerk of the Board of Supervisors



RESOLUTION

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TUOLUMNE

- WHEREAS, the California Government Code requires the County of Tuolumne (County) to adopt and maintain a General Plan that contains certain elements, describes its long-term goals, and develop policies and programs to achieve those goals; and
- WHEREAS, on December 26, 1996, the County Board of Supervisors adopted the current Tuolumne County General Plan (1996 General Plan); and
- WHEREAS, on September 17, 2013, the County Board of Supervisors directed County staff to prepare a comprehensive update of the 1996 General Plan in conformance with Government Code § 65300 et seq.; and
- WHEREAS, via a Request for Proposals process, the County contracted with a consultant, Rincon Consultants, Inc., to prepare an Environmental Impact Report (EIR) for the General Plan Update and zoning revisions to expand the range of economic activities allowed on agricultural land and agritourism activities on nonagricultural land (collectively, General Plan Update Project) in accordance with Public Resources Code § 21000 et seq.; and
- WHEREAS, the County issued a Notice of Preparation on August 12, 2015, which was circulated to responsible, trustee, and federal agencies, interested groups and individuals for review and comment from August 12, 2015 to September 11, 2015; and
- WHEREAS, a Draft EIR was prepared for the General Plan Update Project to analyze its environmental effects and was circulated for a 60-day public review period, from December 7, 2015 through February 5, 2016; and
- WHEREAS, the County received written comments on the Draft EIR (SCH#2015082027) during the public review period, as well as verbal and written comments during public meetings held for the Draft EIR on January 21, 2016 at 10:00 A.M and January 21, 2016 at 6:00 P.M. After review of the comments received on the General Plan Update Project and Draft EIR, the County identified areas of analysis that required clarification and expansion; and
- WHEREAS, the General Plan Update is comprised of four (4) volumes:
 1. General Plan Policy Document
 2. Technical Background Report
 3. Community Plans
 4. Final EIR
- WHEREAS, in accordance with Government Code § 65302, the General Plan Update addresses the mandatory elements required by state law, and also includes optional elements for Agriculture, Economic Development, Water Supply, Air Quality, Cultural Resources, Managed Resources, Education and Libraries, Healthy Communities, Utilities, Parks and Recreation, and Climate Change; and
- WHEREAS, the General Plan Update includes goals, policies, and implementation programs regarding each of the General Plan elements; and

WHEREAS, via a Request for Proposals process, the County contracted with a consultant, Ascent Environmental, Inc., to prepare a Recirculated Draft EIR for the General Plan Update Project in accordance with Public Resources Code § 21000 et seq.; and

WHEREAS, a Recirculated Draft EIR was prepared for the General Plan Update Project to analyze its environmental effects and was circulated for a 45-day public review period, from August 27, 2018 through October 11, 2018; and

WHEREAS, the County received written comments on the Recirculated Draft EIR during the public review period. Responses to comments on environmental issues were drafted, and no significant changes to the document were required. These responses to comments were published in the Final EIR on December 6, 2018; and

WHEREAS, the Final EIR consists of the Recirculated Draft EIR (including appendices), comments received on the Recirculated Draft EIR, a list of commenters, responses to public comments, and other added information, as required by CEQA Guidelines Section 15132.

WHEREAS, the Tuolumne County Planning Commission conducted a public hearing on December 19, 2018 at 4:00 P.M., to consider the General Plan Update Project, which included the 2018 Tuolumne County General Plan, the Final EIR, the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Plan, and the Ordinance Amending Tuolumne County Ordinance Code Title 17 to Expand the Range of Economic Activities Allowed on Agricultural Land and Agritourism Activities on Nonagricultural Land, and to accept public testimony regarding the General Plan Update Project; and

WHEREAS, the Tuolumne County Planning Commission via a unanimous vote (7-0-0) recommended approval of the General Plan Update Project with specified revisions; and

WHEREAS, the Tuolumne County Board of Supervisors scheduled, noticed (December 22, 2018), and held a public hearing on January 3, 2019, at 4:00 P.M. to consider, and accept public testimony regarding, the General Plan Update Project; and

WHEREAS, no comments made in the public hearings conducted by the County, or any additional information submitted to County, have produced significant new information requiring recirculation or additional environmental review under CEQA Guidelines Section 15088.5;

AND WHEREAS, the Board of Supervisors, having considered the recommendation of the Tuolumne County Planning Commission and reviewed the evidence presented at the public hearings, does hereby find it to be in the public interest to adopt the 2018 General Plan.

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of the County of Tuolumne, State of California makes the following certifications:

1. The Final Environmental Impact Report has been completed in compliance with the California Environmental Quality Act.
2. The Final EIR was presented to the Board of Supervisors, and the Board of Supervisors reviewed and considered the information contained in the Final EIR prior to approving the General Plan Update Project; and
3. The Final EIR reflects the County's independent judgment and analysis.

BE IT FURTHER RESOLVED the Board of Supervisors adopts the Findings of Fact and Statement of Overriding Considerations, attached hereto as Exhibit A and incorporated herein by reference, and the Mitigation and Monitoring Reporting Program, attached hereto as Exhibit B and incorporated herein by reference.

BE IT FURTHER RESOLVED the Board of Supervisors, based upon substantial evidence in the record, hereby makes the following additional findings in support of adoption of the 2018 General Plan:

1. California Government Code requires the County adopt a general plan to describe its long-term goals and its policies and programs to achieve those goals. The general plan is intended to serve as a "blueprint" for future growth and development, in that land use decisions, zoning regulations, subdivision approvals, and other policies by the County are required to be consistent with the General Plan.
2. The County's current General Plan, adopted in 1996, reflects the environmental conditions, demographics, growth projections, and community goals of that time. There is a need, and it is in the interest of public health, safety, and welfare to update the County's General Plan to incorporate current conditions,

community goals, and revised growth projections from the Tuolumne County Transportation Council that extend the planning horizon to the year 2040.

- 3. The 2018 General Plan is centered around three overarching vision statements and nine objectives about the quality, character, development, stewardship, and values of Tuolumne County.
- 4. The 2018 General Plan is consistent with the requirements of the California Government Code regarding general plans and the 2017 OPR General Plan Guidelines. The 2018 General Plan is internally consistent with all of the objectives, goals, policies, and implementation programs of all elements of the 2018 General Plan.

BE IT FURTHER RESOLVED the Board of Supervisors hereby adopts the 2018 General Plan in accordance with the Planning Commission’s December 19, 2018 recommendation, and has not made substantial modifications to the 2018 General Plan from the Planning Commission’s recommendation. The 2018 General Plan consists of the General Plan Update dated December 2018, attached hereto as Exhibit C and incorporated herein by reference, the changes set forth in “Language and Land Use Designation Changes from ALUC, Public, and Response to Comments; Corrections to EIR,” attached hereto as Exhibit D and incorporated herein by reference, and the revisions recommended by the Planning Commission, attached hereto as Exhibit E and incorporated herein by reference.

BE IT FURTHER RESOLVED, in accordance with Government Code § 65357(a), the Board of Supervisors hereby directs the Community Resources Agency to send a copy of the final 2018 General Plan, including all diagrams, to all public entities specified in Government Code § 65352 and any other public entities that submitted comments during the General Plan Update process.

BE IT FURTHER RESOLVED, in accordance with Government Code § 65357(b), the Board of Supervisors hereby directs the Clerk of the Board to make the final 2018 General Plan, including all diagrams, available to the public for inspection.

ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF TUOLUMNE ON JANUARY 3, 2019.

AYES: 1st Dist. _____	NOES: _____	Dist. _____
2nd Dist. _____	_____	Dist. _____
3rd Dist. _____	ABSENT: _____	Dist. _____
4th Dist. _____	_____	Dist. _____
5th Dist. _____	ABSTAIN: _____	Dist. _____

CHAIR OF THE BOARD OF SUPERVISORS

ATTEST: _____
Chief Deputy Clerk of the Board of Supervisors

No. _____



Exhibit C

Language Changes from ALUC, Public, and Response to Comments

Final 2018 Tuolumne County General Plan Errata Sheet	
Location and Source of the Revision	Changes (RED is added text, strike-thru is deleted text.)
Vol I, Page 3-3 RTC	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. (Formerly 19.F.a)
Vol I, Page 3-5 RTC	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.
Vol I, Page 4-3 RTC	Support alternative energy vehicles, including electric vehicles , and development of electric charging stations for passenger vehicles for the use of the public, including County employees and County fleet vehicles.
Vol I, Page 4-5 RTC	Consider implementing an alternative to LOS for evaluating transportation impacts, such as vehicles miles traveled, as described in the CEQA guidelines. Implement Vehicles Miles Traveled for evaluating transportation impacts under CEQA to be consistent with SB 743.
Vol I, Page 4-6 RTC	When appropriate and feasible, Support TCTC's Rural Sustainable Strategies to reduce VMT and GHG emissions sustainable communities strategies to reduce vehicle miles traveled. Support TCTC's Rural Sustainable Strategies to reduce VMT and GHG emissions
Vol I, Page 4-7 RTC	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.
Vol I, Page 4-7 RTC	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.
Vol I, Page 4-7 RTC	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.
Vol I, Page 5-2 EIR	5.A.* - Outdoor gatherings associated with normal, day-to-day agritourism uses shall be limited to daytime hours (7:00 a.m. to 10:00 p.m.). Exceptions may be allowed with review and approval by the County. As part of the County review and approval, such exceptions shall include an operation noise plan prepared by an acoustical engineer that evaluates potential for outdoor gatherings occurring during nighttime hours to exceed County noise standards. If needed, the noise plan shall include noise minimization measures (such as siting/orientation of the gathering) to minimize sound



	<p>exposure of any nearby residences such that County noise standards (Table 3.12-7 of this EIR) are not exceeded. The applicant shall demonstrate through the plan how the nighttime gathering would not exceed applicable County noise standards. After the noise plan is approved by the County for the agritourism operation, no additional noise plan would be required, unless the agritourism operation proposes changes to its nighttime outdoor uses that could meaningfully affect exterior noise levels (e.g., changes in location/orientation of gatherings, location of access/parking, and type of gatherings, and/or substantial change in typical number of guests).</p>
<p>Vol I, Page 5-3 EIR</p>	<p>5.A.** - No exterior amplified sound systems (e.g., public address systems) will be allowed as part of any agritourism use. Exceptions may be allowed with review and approval by the County with the submittal of a plan analyzing the noise from the speakers/amplification. As part of the County review and approval, the applicant shall submit a speaker/amplification noise plan prepared by an acoustical engineer, that evaluates the potential for the proposed amplified sound to exceed County noise standards (Table 3.12-7 of this EIR). If necessary, the noise plan shall include protocols for siting, orientation, and operation of speakers (including potential volume limits) that would be implemented to reduce the effect of noise levels generated by on-site stationary noise sources. The applicant shall demonstrate through the plan how the speaker/amplification system would not exceed applicable County noise standards (Table 3.12-7 of this EIR). After the noise plan is approved by the County for the agritourism operation, no additional speaker/amplification noise plan would be required, unless the agritourism operation proposes changes to the speaker/amplification system that could meaningfully affect noise levels (e.g. changes to the location, orientation, or volume of the amplification system).</p>
<p>Vol I, Page 5-4 EIR</p>	<p>Should nighttime construction activities be required (between the hours of 7 p.m and 7 a.m.) exterior noise levels shall not exceed 65 dBA Lmax, based on FICAN’s 65 dBA SEL level for sleep disturbance (but conservatively using Lmax, which is more appropriate for construction activities). night time noise maximum noise levels established for various land uses in Table 5-B.</p>
<p>Vol I, Page 5-4 EIR</p>	<p>The County shall ensure that, where residences or other noise sensitive uses are located within 1,900 800 feet of construction sites, appropriate measures shall be implemented to limit noise exposure from construction.</p>
<p>Vol I, Page 5-8 EIR</p>	<p>5.A.*** - Require, prior to approval of development or construction activities that would include blasting activities, proof of contract with a State licensed contractor if blasting is required for any construction activities. Blasting shall not be allowed during the sensitive night time hours (7 p.m. to 7 a.m.). In addition, prior to approval of construction/grading permits, Tuolumne County will review all proposed blasting activities and require construction contractors to implement available noise reduction measures, including alternatives to blasting.</p>
<p>Vol I, Page 6-3 RTC</p>	<p>Update spelling in Implementation Program 6.A.5 to “Chicken Ranch Rancheria of Me-Wuk Indians”</p>
<p>Vol I, Page 8-3</p>	<p>8.A.d - Establish a new procedure that includes the following requirements</p>



EIR	<p>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:</p> <p>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:</p> <ol style="list-style-type: none">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, 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.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. <p>If a piece of land qualifies as both High-Value Agricultural Land and</p>
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	Important Farmland, compensatory mitigation will not be required for both farmland types.
Vol I, Page 8-4 RTC	Stabilize agricultural use at the urban fringe outside identified communities.
Vol I, Page 8-4 RTC	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.
Vol I, Page 13-4 RTC	Update spelling in Implementation Program 13.B.g and 13.B.h to “Chicken Ranch Rancheria of Me-Wuk Indians”
Vol I, Page 14-2 RTC	Utilize planning reports from the Tuolumne-Stanislaus Integrated Water Management Authority (IRWM) in future water planning efforts.
Vol I, Page 14-3 RTC	Encourage the beneficial capture and utilization of stormwater to promote healthy watersheds, fire-safe landscapes, and groundwater recharge.
Vol I, Page 14-4 RTC	15 14.4B.
Vol I, Page 14-4 RTC	Provide information on water conservation measures to the general public and consult with support conservation efforts of the water districts.
Vol I, Page 14-5 RTC	Encourage the use of raw water for non-potable uses where feasible.
Vol I, Page 14-5 RTC	14.C.b
Vol I, Page 14-8 RTC	Work collaboratively with water supply purveyors to Strive strive to maintain a mutually beneficial relationship with water supply purveyors for mutual benefits.
Vol I, Page 15-5 RTC	Work closely with federal, state and local agencies to minimize the emissions and smoke impacts from fire hazard reduction and forest management burn activities and during wildlife wildfire episodes.
Vol I, Page 16-6 RTC	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 trained professional to be substantial in consideration of, but not limited to, the following
Vol I, Page 16-6 EIR	16.B.* - When considering discretionary development proposals, the County, through CEQA reviews, will require that project applicants map oak woodland resources on the project site and, where feasible, establish buffers



around existing oak woodland stands to prevent adverse effects. 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 for project-specific ground-truthing/field verification. The County will require implementation of BMPs while working near retained oak woodlands to avoid inadvertent damage to oak trees. BMPs will include establishment of no-disturbance buffers around the outer canopy edge to prevent root and crown damage, soil compaction, and standard management practices to reduce introduction and spread of invasive species and other indirect effects.

For those impacts on oak woodland that cannot be avoided, the County will require the project applicant to minimize adverse effects. If substantial conversion of oak woodland will occur based on Implementation Program 16.B.j, the County will require one or more of the following mitigation measures be implemented to mitigate the impact from loss of oak woodland habitat pursuant to Public Resources Code Section 21083.4, (which specifies certain projects, including commercial agricultural production, are exempt from the requirements of Section 21083.4):

- Conserve oak woodlands through the purchase of conservation easements.
- Plant acorns and container stock from a local seed source to replace oak woodland removed. The following parameters will be applied:
- Plant an appropriate number of trees, including maintaining plantings and replacing dead or diseased trees.
- Maintain trees for seven years after the trees are planted.
- 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.
- Mitigation through planting may be used to restore former or degraded oak woodlands.
- Contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodland conservation easements, the Tuolumne County Oak Woodland Conservation Fund, or other appropriate established oak woodland conservation fund.

16.B.** - The County will require project applicants to develop a mitigation and monitoring plan to compensate for the loss of oak woodland habitat. The mitigation and monitoring plan will describe in detail how loss of oak woodlands shall be avoided or offset, including details on restoration and creation of habitat, compensation for the temporal loss of habitat, success criteria ensuring habitat function goals and objectives are met, performance standards to ensure success, remedial actions if performance standards are not met, and requirements for reporting implementation actions and progress to the County. The plan will include detailed information on the habitats present within the preservation and mitigation areas, the long-term



	<p>management and monitoring of these habitats, legal protection for the preservation and mitigation areas (e.g., conservation easement, declaration of restrictions), and funding mechanism information (e.g., endowment). If planting is used as part of compensatory mitigation, an oak planting plan will be developed by a qualified professional such as a professional biologist, arborist, or registered professional forester</p> <p>16.B.*** - Oak woodlands habitat placed under conservation easements will be at appropriate ratios to offset the loss of habitat functions and values of the oak woodland to be lost. Oak woodland habitat preserved this way should have similar tree sizes and densities, species composition, site condition, and landscape context to the oak woodland to be removed to serve the same function and have similar habitat value. At a minimum, 1 acre of oak woodland habitat providing similar functions and values will be placed under conservation easement for every acre of oak woodlands habitat lost.</p>
<p>Vol I, Page 16-8 RTC</p>	<p>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 to minimize impacts to biological resources.</p>
<p>Vol I, Page 18-2 EIR</p>	<ul style="list-style-type: none"> • Foster land use intensity near, along with connectivity to, retail and employment centers and services to reduce vehicle miles travelled and increase the efficiency of delivery services through adoption and implementation of smart growth principles and policies; • Improve the local jobs/housing balance to reduce vehicle miles travelled; • Identify potential sites for renewable energy facilities and transmission lines; • Promote recycling to reduce waste and energy consumption; • Identify appropriate sites for waste recovery facilities to minimize escape of GHGs; • Identify lands suitable for wind power generation; • Promote alternatives to open burning of biomass, including exploring the feasibility of the development of a biomass power plant in the County; • Provide economic incentives and creative financing for renewable energy projects; • Pursue incentives, grants, and creative financing for projects that improve energy efficiency; • Prepare and implement a comprehensive plan to improve energy efficiency of municipal facilities; • Develop a program to promote forest health and enhance the carbon sequestration potential of forests in the County; • Establish a coordinated, creative public outreach campaign, including publicizing the importance of reducing GHG emissions and steps



	<p>community members can take to reduce their individual impacts;</p> <ul style="list-style-type: none"> • Install renewable energy systems at municipal facilities including solar photovoltaic systems on municipal roofs and solar water heating; • Ensure that County staff receive appropriate training and support to implement objectives and policies to reduce GHG emissions included in the County CAP; • Evaluate the feasibility and effectiveness of using Community Choice Aggregation as a model for providing renewable energy to meet the community’s electricity needs, including potential partnerships with other jurisdictions; • Identify and remove or otherwise address barriers to renewable energy production including revisions to the County’s building and development codes, design guidelines, and zoning ordinances; • Provide information, marketing, training and technical assistance regarding green building practices and renewable energy systems; • Identify and remove regulatory or procedural barriers to implementing green building practices within the County, such as updating codes, guidelines, and zoning, and ensure that all plan review and building inspection staff are trained in green building materials, practices, and techniques; and • Establish menus and check-lists for developers and contractors to ensure water-efficient infrastructure and technology are used in new construction, including low-flow toilets and shower heads, moisture-sensing irrigation, and other such advances.
<p>Vol II, Page 75 RTC</p>	<p>Public water is available in certain areas of the Stent community.</p>
<p>Vol II Page 195 RTC</p>	<p>There are approximately 270,000 acres of oak woodlands in Tuolumne County. Approximately 146,000 acres (54%) of the oak woodlands in the County occur on public lands while 124,000 acres (46%) are on private lands. Of the total amount of oak woodlands in the County, approximately 67,000 acres (25%) occur on land designated for agriculture and 10,000 acres (4%) occur on land designated for timber production, leaving approximately 47,000 acres (17%) on private land that is developed, could be developed or could support additional development. Oak trees not only provide wildlife habitat, they also contribute to the rural character of the County and the identity of our communities.</p>
<p>Source of the Revision</p>	<p>EIR: Environmental Impact Report RTC: Response to Comments ALUC: Airport Land Use Commission</p>



Memo

455 Capitol Mall, Suite 300
Sacramento, CA 95814
916.444-7301

Date: 12/12/2018

To: Quincy Yaley, AICP
Assistant Director – Development, Tuolumne County Community Resource Agency

From: Mike Parker, AICP
Senior Environmental Planner, Ascent Environmental, Inc.

Subject: **Tuolumne County General Plan RDEIR: Additional Land Use Change Requests**

Ascent has conducted an evaluation of the list of requested land use designation changes identified by the County subsequent to completion of the environmental impact report (EIR) for the Tuolumne County General Plan Update. The following table identifies the area in question, the proposed changes, and the potential for changes to the EIR. Through our review, we have determined that the proposed changes would generally result in either less dense or substantially similar development patterns to those evaluated in the EIR.

Many of the proposed changes would result in down zoning¹. Where this is not the case, the size of the parcel(s) limits the potential for substantial development. The changes could increase the area designated for general commercial use by less than 2 acres and result in 11 additional residences. At the scale of the General Plan, which includes nearly 700 acres of land that could be developed general commercial use and land that could be developed with over 26,000 dwelling units, these changes would not be substantial. Moreover, these land use changes would be not expected to alter the forecasted level of development over the General Plan Update's planning horizon. Therefore, these changes would not be expected to affect the programmatic analysis or conclusions of the EIR.

¹ The term "down zoning" is used where the change in designation would decrease the density of development allowed on a parcel. With regard the land use designation proposed in the General Plan Update, the Board of Supervisors directed County staff to avoid 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. 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.





APN	Acreage	Owner	Land Use Designation in Existing General Plan	Land Use Designation Proposed in General Plan Update	Requested Land Use Designation	Notes	Determination
63-190-36	9.72	HOLMAN	HI	N/A	RR	This is a small area and RR is a less intense land use.	Not a substantial change.
3-280-14-15-16, 3-280-33-01-35-37, 3-280-10-11-01	69.32	KHACHO	LDR	HDR-16.34 ac MDR-52.98 ac	HDR-10± acres MU-8± acres LDR-50± acres	Most of the parcel (50 acres) would be down zoned from MDR to LDR. Reduction in area for HDR (max. 15 du/acre), with remainder in MU (max. 15 du/acre). MU provides for a mixture of residential, commercial and recreational. Overall intensity of land use would be similar to what was analyzed in the EIR.	Not a substantial change.
063-450-28 and 063-450-29	33 acres to AG from RR	BLOOM/WEINSTEIN	AG and RR	N/A	AG and RR	RR allows 1 du/5 acres. Could result in approximately 6 additional residences.	Potential to result in minimal addition to conversion of agricultural land and effects on biological resources that would be addressed through policies, implementation programs, and mitigation measures outlined in the EIR. Not a substantial change.
DD 9249-01-01	0.69	CALTRANS	P	N/A	GC	There are no building intensity restrictions on public lands. GC designated areas provide large scale retail and office operations. Although there is potential for use to be more intense, this is a small area located near existing transportation infrastructure.	Not a substantial change.
DD 9253-01-01	0.64	CALTRANS	P	N/A	GC	There are no building intensity restrictions on public lands. GC designated areas provide large scale retail and office operations. Although there is potential for use to be more intense, this is a small area located near existing transportation infrastructure.	Not a substantial change.





APN	Acreage	Owner	Land Use Designation in Existing General Plan	Land Use Designation Proposed in General Plan Update	Requested Land Use Designation	Notes	Determination
DD 9251-03-01	0.12	CALTRANS	GC	N/A	LDR	Small area down zoned from commercial to residential use.	Not a substantial change.
DD 9249-02-01	0.68	CALTRANS	P	N/A	GC	There are no building intensity restrictions on public lands. GC designated areas provide large scale retail and office operations. Although there is potential for use to be more intense, this is a small area located near existing transportation infrastructure.	Not a substantial change.
39-010-33	7	SHELLER	AG	N/A	HR	2 du/37 acres are permitted on AG land and 1 du/3 acres on HR land. This change could result in 2 additional residences compared to existing conditions.	Not a substantial change.
59-150-22	10	VINGO	LR	RR	LR	Existing land use designation would remain in place. RR allows 1 du/5 acres and LR allows 1 du/10 acres. May result in 1 additional residence compared to what was analyzed in the EIR.	Not a substantial change.
59-150-12	10	TIERNEY	LR	RR	LR	Existing land use designation would remain in place. RR allows 1 du/5 acres and LR allows 1 du/10 acres. May result in 1 additional residence compared to what was analyzed in the EIR.	Not a substantial change.
59-150-11	10	TIERNEY	LR	RR	LR	Existing land use designation would remain in place. RR allows 1 du/5 acres and LR allows 1 du/10 acres. May result in 1 additional residence compared to what was analyzed in the EIR.	Not a substantial change.
33-040-31	0.08	PENSCO TRUST	ER	N/A	LDR	Although change would allow 5 more du/acre, area in question is too small to generate an effect.	Not a substantial change.
33-242-22	2.84	FABRY	ER	LDR and HDR	LDR	This would result in a change to less dense residential use than analyzed in the EIR.	Not a substantial change.
58-500-01	0.069	RAWHIDE INVESTMENT CO INC	RR	HDR	RR	Existing land use designation would remain in place. RR allows 1 du/5 acres and HDR allows 15 du/1 acres. This is a small area and would result in a change to less dense residential use than analyzed in the EIR.	Not a substantial change.





Land Use Designations
December 12, 2018
Page 4

APN	Acreage	Owner	Land Use Designation in Existing General Plan	Land Use Designation Proposed in General Plan Update	Requested Land Use Designation	Notes	Determination
83-220-01	5.24	SIERRA TWAIN HARTE M/H PK LLC	ER	HDR	ER	Existing land use designation would remain in place. ER allows 1 du/2 acres and HDR allows 15 du/4 acres. This would result in a change to less dense residential use than analyzed in the EIR.	Not a substantial change.
043-251-87	6.12	HEMPHILL	P	P	LI and LDR	This change is proposed for zoning consistency.	Not a substantial change.
048-680-57	16.16	TWAIN HARTE BIBLE CHURCH	P	N/A	K	This change is proposed for zoning consistency. It is developed with a church already and would not have an impact from future development.	Not a substantial change.

HDR= High Density Residential; MDR= Medium Density Residential; LDR= Low Density Residential; MU= Mixed Use; GC= General Commercial; ER= Estate Residential; HR= Homestead Residential; LR= Large Lot Residential; AG= Agricultural; P= Public; LI= Light Industrial; HI= Heavy Industrial; du= dwelling unit





Errata for FEIR and DEIR

The following minor text revisions to the RDEIR are initiated by staff. These revisions correct minor typographical errors and provide clarification. These changes do not affect the analysis and do not change any conclusions of the RDEIR. These minor text revisions do not constitute substantial new information.

The text of the RDEIR incorrectly references Implementation Program 13.B.3, rather than all implementation programs under Policy 13.B.1 where it describes the implementation programs proposed to address the potential for the project to result in the change in the significance of a historical or unique archaeological resource to demonstrate that no additional mitigation is available. The text of the RDEIR on page ES-12 of the “Executive Summary,” is revised as follows:

Proposed Implementation Programs under Policy 13.B.13 would require that determinations of impacts, significance, and mitigation be made by qualified archaeological or historical consultants and that discretionary development projects be designed to avoid potential impacts to significant cultural resources whenever possible.

This same text is also revised on page 3.5-20 of Section 3.5, “Cultural Resources,” as follows:

Proposed Implementation Programs under Policy 13.B.13 would require that determinations of impacts, significance, and mitigation be made by qualified archaeological or historical consultants and that discretionary development projects be designed to avoid potential impacts to significant cultural resources whenever possible.

A typographical error has been identified on page 6-23 of Chapter 6, “Alternatives,” in the RDEIR. In the impact comparison for Alternative 5, the area of agricultural land that would be redesignated should be 1,397 acres. This text is revised as follows:

Conflicts with Williamson Act contracts would be reduced, but the proposed redesignation of 1,7397 acres of land in Tuolumne County that are currently within an agricultural preserve would continue to be a significant impact.

The description of property under Williamson Act contract is hereby revised for clarity. On pages 3.2-17 through 3.2-18 of Section 3.2, “Agricultural and Forest Resources,” the text is revised as follows:

Of the 122,905 acres currently under a Williamson Act contract in the County, 134 acres would be re-designated from agricultural land to a non-agricultural use. **An additional 63 acres of which are proposed for re-designation but** the property owners have filed non-renewal notices.

On pages 3.2-21 of Section 3.2, “Agricultural and Forest Resources,” the text is revised as follows:

The redesignation of 134 acres of land currently under Williamson Act contracts, **plus** approximately 63 acres ~~of which~~ the landowners have filed non-renewal notices for, to a non-agricultural use would counteract the intent of the Williamson Act by changing the underlying land use designation.



On page 6-24 of Chapter 6, “Alternatives,” the text is revised as follows:

Maintaining the Agriculture designation of ~~over~~ **nearly** 200 acres of land currently under Williamson Act contract would also substantially reduce potential conflicts with the Williamson Act.

An error was noted on page 1-4 of the FIER that identified a cumulative air quality impact that was not identified in the RDEIR. Page 1-4 of the FEIR is hereby revised as follows:

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

The same error was identified on page 6-3 of Section 6, “Alternatives.” This discussion in the RDEIR summarized the cumulative impacts of the RDEIR; however, Section 4.2, “Air Quality” of the RDEIR concludes that cumulative impacts associated with air quality are less than significant. Therefore, page 6-3 of the RDEIR is hereby revised as follows:

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

**PROPOSED AMENDMENTS
TO TITLE 17 OF THE
TUOLUMNE COUNTY ORDINANCE CODE**

Chapter 17.04

Definitions

17.04.031 Agricultural by-product processing facility. “Agricultural by-product processing facility” means a facility for processing by-products from the growing, raising, harvesting or processing of agricultural products, for example composting facilities.

17.04.033 Agricultural hospitality facility. “Agricultural hospitality facility” means a facility that provides rest, relaxation or food to travelers or local residents for compensation and is located on a parcel that supports an agricultural use, including but not limited to transient lodging facilities and restaurants.

17.04.035 Agricultural laborer housing. “Agricultural laborer housing” means temporary or permanent accommodations for ~~twelve (12) or fewer~~ employees engaged in agricultural operations ~~or for the number of employees as otherwise provided by the Health and Safety Code.~~ on a working farm or ranch. The employees must obtain the majority of their compensation from the farm or ranch on which they reside during the time they reside there. Accommodations shall include any living quarters as provided ~~by~~ in the Health and Safety Code. ~~Agricultural Labor Housing~~ laborer housing on Williamson Act contract land is subject to recommendation by the Agricultural Advisory Committee and approval by the ~~board of supervisors~~ Board of Supervisors.

17.04.037 Agricultural marketing. “Agricultural marketing” means a facility or activity that promotes the sale of agricultural products grown, processed or produced on the farm or ranch where the facility or activity is located, including but not limited to tasting rooms, accessory gift shops, retail sales of the agricultural products, retail sales of other agricultural products produced in Tuolumne County, accessory retail sales of food products not produced on the farm or ranch for on-site consumption, and farm or ranch tours.

17.04.040 Agricultural processing ~~plants~~ facility. “Agricultural processing ~~plants~~ facility” means ~~facilities~~ a facility for the preparation, processing, packing, canning or otherwise preparing agricultural products for sale or distribution. Agricultural processing facility includes water systems, on-site wastewater treatment and disposal systems, and other services related to the processing of the agricultural product.

17.04.050 Agricultural products. "Agricultural products" ~~means products are~~ commodities resulting from the practice of agriculture and value added products as a result of processing agricultural commodities.

17.04.055 Agricultural support services. "Agricultural support services" are land uses which support local agricultural land uses through providing services or supplies necessary to the operation of an agricultural land use.

17.04.060 Agriculture. "Agriculture" means the use of land for ~~agricultural purposes, the~~ production of food, feed, fiber, nursery and apiary commodities, and their necessary accessory uses.

17.04.073 Animal Processing Facility. "Animal processing facility" means a facility where animals are killed and/or their carcasses are cut and wrapped for consumption as food products. "Animal processing facility" does not include the ~~on-ranch~~ onsite slaughtering of animals raised by the owner or tenant.

17.04.099 Auction yard. "Auction yard" means a yard, pen, corral, building or premise permanently devoted to assembling livestock for sale, resale, exchange or transfer, the primary purpose of which is to facilitate transfer of ownership of the livestock. "Auction yard" does not include a yard, pen, corral, building or premise on a farm or ranch used to sell livestock.

17.04.101 Bed and Breakfastbreakfast. "Bed and Breakfastbreakfast" means a dwelling unit which provides lodging and breakfast for temporary overnight occupants for compensation.

17.04.100~~3~~ Board. "Board" means the ~~board of supervisors~~ Board of Supervisors of the County.

17.04.325~~2~~ Family day care home. "Family day care home" means a home which regularly provides care, protection, and supervision of children, under 18 years of age, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and includes the following:

A. "Large family day care home" means a home which regularly provides day care to 7 to 12 children, inclusive, including children under the age of 10 years who reside at the home. A large family day care home may provide day care for more than 12 and up to 14 children if the criteria in Section 1597.465 of the Health and Safety Code are met.

B. "Small family day care home" means a home which provides family care to 6 or fewer children, including children under the age of 10 years who reside at the home. A small family day care home may provide day care for more than 6 and to up to 8 children if the criteria in Section 1597.44 of the Health and Safety Code are met.

17.04.324 Farmers market. "Farmers market" means a location where farmers may transport and sell to the public agricultural products that they produced. A certified farmer's-farmers market is a farmer's-farmers market that is approved by the Tuolumne County Agricultural Commissioner, is operated in accordance with regulations contained in the Food and Agriculture-Agricultural Code and where the agricultural products sold

are exempt from the established grade, size, labeling, packaging and other such requirements for fruits, nuts and vegetables.

17.04.325 Farm or ranch tour. “Farm or ranch tour” means a visit to a farm or ranch, whether guided or not.

17.04.326 Farm stay. “Farm stay” means a farm or ranch which produces agricultural products as its primary source of income and which provides overnight transient accommodations as an accessory use to the commercial agricultural use so that members of the public may experience a rural lifestyle. Food service is limited to registered guests with the price of food included in the price of the overnight transient occupancy accommodation. The establishment can have no more than six guest bedrooms.

17.04.330 Feed yard. "Feed yard" means a confined area wherein large numbers of livestock are kept with limited space per animal, to prepare such for market, where sixty percent or more of the feed for such animals is not from grazing. Feed yard includes feed lot. “Feed yard” does not include a yard, pen, corral, building or premises on a farm or ranch used to sell livestock.

17.04.375 General farming and ranching. “General farming and ranching” means growing, cultivating, raising, breeding, or producing plants or animals for commercial or domestic purposes, including but not limited to, livestock, dairy, furbearing animals, poultry, aquaculture, apiculture, grains, herbs, vegetables, fruit, horticultural plants, and Christmas trees, and the accessory structures related to these activities, such as barns and greenhouses. “General farming and ranching” includes agriculture and agricultural production but does not include landscaping, gardens, or pets that are accessory to a residential use.

17.04.400 Guest ranch. “Guest Ranchranch” means a farm or ranch where the primary use is a commercial agricultural operation and where members of the public may stay for compensation to experience a rural lifestyle as an accessory use to the commercial agricultural use and where guest facilities, including but not limited to the lodge, bunkhouse or cottages, recreational activities, food and beverage service, and entertainment, are limited to use or consumption by registered overnight guests of the guest ranch which is intended primarily to allow urban residents to experience a rural life style.

17.04.505 Mineral resources. "Mineral resources" means:

A. Small Scale Development. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than one thousand cubic yards ~~in any one location of~~ and that disturbs one acre or less;

B. Large Scale Development. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of one thousand cubic yards, or greater, ~~in any one location of one acre or less~~ or that disturbs more than one acre.

17.04.606 Petting zoo. “Petting zoo” means raising and maintaining a variety of domestic animals, as defined by Section 6.04.020 of this Code, for purposes of both exhibition to the public and direct contact by the public.

17.04.685 Rendering plant. “Rendering plant” means a processing facility where dead animals, except those raised on the farm or ranch, or their parts are recycled into products for beneficial purposes.

17.04.705 Roadside stand. “Roadside stand” means a structure located on a farm or ranch and used or intended to be used by the owner or tenant ~~for of~~ the farm or ranch for the sale of agricultural products ~~primarily~~ grown or raised ~~on the farm or ranch in Tuolumne County and adjacent counties.~~

17.04.7870 Stable, ~~public commercial.~~ “Public-Commercial stable” means a building or enclosed area where horses are offered for rent or boarded for compensation.

17.04.7780 Stable, private. “Private stable” means a building or enclosed area intended for occupancy by horses or similar animals for the exclusive use of the owner or tenant of the premises and their guests.

17.04.790 Stockyard. “Stockyard” means a fenced area ~~wherein permanently devoted to keeping~~ a large number of livestock ~~is kept~~ for brief periods with limited space per animal that is managed or operated as a public market for livestock producers and buyers. “Stockyard” does not include a yard, pen, corral, building or premise on a farm or ranch used to sell livestock.

17.04.823 Timber harvesting, commercial. “Commercial timber harvesting” means the cutting or removal of timber for the purposes of sale for profit for wood product purposes, such as lumber or fire wood. Commercial tim**ber** harvest does not include the cutting or removal of timber for personal use of the wood by the property owner or for other non-commercial purposes.

17.04.838 U-Pick ~~Operation~~operations. “U-Pick ~~Operation~~operations” means a farm where members of the public can harvest and pay for their produce.

17.04.850 Use, accessory. “Accessory use” means ~~a use incidental to and on the same parcel as a principal use~~ a secondary or subordinate use related to and on the same parcel or parcels of land as the principal use and conducted so as to not significantly change the character, appearance or operation of the principal use.

17.04.870 Use, principal. “Principal use” means the predomi**na**nt purpose for which land or premises or a structure thereon is designated, arranged, or intended, or for which it is or may be occupied or maintained.

~~**17.04.923 Winery.** “Winery” means an agricultural processing facility for the fermenting and processing of grape juice or other fruits into wine or the refermenting of still wine into sparkling wine for commercial purposes.~~

~~**17.04.925 Wine Marketing.** “Wine Marketing” means any activity that includes or promotes the sale of wine produced for commercial purposes in an on-site winery, including but not limited to retail sales of wine-related products, retail sales of food~~

~~products, primarily for on-site consumption, and winery tours and retail sales and tasting of wine produced from grapes or other fruits not grown primarily on the same parcel as the winery is located. Wine marketing does not include the retail sales or tasting of wine produced from grapes or other fruits grown primarily on the same parcel as the wine is located.~~

Chapter 17.06

ESTABLISHMENT OF DISTRICTS AND ZONING MAPS

17.06.010 Establishment and designation of districts. The various zoning districts established and into which the County shall be divided are designated as follows:

A. AE-160 exclusive agricultural district, one hundred sixty acre minimum;

B. AE-80 exclusive agricultural district, eighty acre minimum;

C. AE-37 exclusive agricultural district, thirty-seven acre minimum;

DB. A-20 general agricultural district, twenty acre minimum;

EG. A-10 general agricultural district, ten acre minimum;

FD. O open space district;

GE. O-1 open space-1 district;

HF. K general recreational district;

IG. R-1 single-family residential district;

JH. R-2 medium density residential district;

KI. R-3 multiple-family residential district;

LJ. RE-1 residential estate, one acre minimum district;

MK. RE-2 residential estate, two acre minimum district;

NL. RE-3 residential estate, three acre minimum district;

OM. RE-5 residential estate, five acre minimum district;

NP. RE-10 residential estate, ten acre minimum district;

OQ. MU mixed use district;

RP. C-K commercial recreational district;

SQ. C-O neighborhood commercial district;

TR. C-1 general commercial district;

US. C-2 heavy commercial district;

VF. C-S special commercial district;

WU. BP business park district;

XV. M-1 light industrial district;

YW. M-2 heavy industrial district;

ZX. P public district;

AA~~Y~~. TPZ timberland production district;

BB~~Z~~. MPZ mineral preserve district;

CCAA. H historic combining district;

DDBB. D design ~~control~~-review combining district;

EECC. MX mobilehome exclusion combining district;

FFDD. PD planned unit development combining district;

GGEE. AP agricultural preserve combining district;

HHFF. HDP historic design preservation combining district;

IIGG. AIR airport combining district.

**EXCLUSIVE AGRICULTURAL DISTRICT, ONE HUNDRED SIXTY ACRE MINIMUM
OR (AE-160) DISTRICT**

17.07.010 Purpose. The purpose of the exclusive agricultural, one hundred sixty acre minimum (AE-160) district is to provide for agricultural and resource production where commercial agricultural uses can exist without encroachment of incompatible uses and provide for the preservation and conservation of working landscapes and open space. Development in this zone must comply with Title 15 of this Code relative to fire safety standards.

17.07.020 Permitted uses. Within any exclusive agricultural, one hundred sixty acre minimum (AE-160) district, the following uses are permitted unless otherwise provided in this chapterChapter:

- A. One single-family dwelling per parcel;
- B. One additional single-family dwelling when the parcel is one hundred sixty acres or larger;
- C. One guesthouse per parcel;
- D. Agricultural laborer housing;
- E. General farming and ranching, including uses and land management activities authorized or required by an agricultural production management plan approved by the ~~board of supervisors~~Board of Supervisors for land within an agricultural preserve in accordance with Tuolumne County Resolution 106-04, that are not listed as conditional uses;
- F. Agricultural processing facilities and activities related to the agricultural product grown on the ~~property~~parcel and not to exceed 10% of the ~~property~~parcel size or 10 acres, whichever is less;
- G. Agricultural marketing facilities or activities;
- H. Agricultural by-product processing facilities accessory to the agricultural operation on the ~~property~~parcel, including commercial composting facilities;
- I. U-pick operations;
- J. Growing and harvesting timber products;
- K. Sawmills for processing timber grown primarily on the same parcel as where the sawmill is located and other parcels under the same ownership;
- L. Commercial stables, up to 20 stalls, and riding clubs including, but not limited to, accessory shows and clinics;
- M. Bed and breakfast establishments, within a permitted single-family dwelling, not to exceed six guest bedrooms;
- N. Farm stay, not to exceed six guest bedrooms;
- O. Guest ranch, not to exceed six guest bedrooms or accommodations for 20 persons, whichever is less;
- P. Public safety facilities;
- Q. Residential care homes, transitional housing, supportive housing or nursery schools, within a permitted single-family dwelling, for not more than eight persons;
- R. Small or large family day care home within a permitted or conditional use single-family dwelling, subject to the requirements of ~~section~~Section 17.52.160;
- S. Small -scale development of mineral resources, provided surface development does not occur within two hundred feet of any exterior property line;

- T. Prospecting;
- U. Recreational uses without buildings, accessory to a primary agricultural use including, but not limited to, hiking, non-motorized biking, hunting, fishing, boating, swimming, horseback riding, wagon rides, picnicking, cattle drives and nature walks;
- V. The erection, construction, alteration, or maintenance of gas, water, sewer, electrical, communication or other public utility distribution facilities except as otherwise provided in this code;
- W. Storage of petroleum products for use in conjunction with ~~a permitted~~the primary agricultural use of the parcel;
- X. Private airstrips and private heliports;
- Y. Educational workshops, craft demonstrations, or demonstration gardens accessory to the primary agricultural use of the parcel;
- Z. ~~Educational workshops, craft demonstrations, or demonstration gardens not accessory to the agricultural use of the parcel subject to the requirements of Section 17.52.220;~~
- AA. ~~Commercial events subject to the requirements of Section 17.52.220;~~
- BBAA. Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests accessory to the primary agricultural use of the parcel;
- CGBB. Petting zoo accessory to the primary agricultural use of the parcel;
- DDCC. Private garages accessory to a single-family dwelling, or one private garage, not to exceed four thousand (4,000) square feet, as a primary use of the parcel;
- EEDD. Open space, including uses and land management activities authorized or required by a wildlife habitat management plan, submerged area plan, recreation master plan, scenic corridor management plan, or other plan for open space use approved by the ~~board of supervisors~~Board of Supervisors for land within an agricultural preserve in accordance with Tuolumne County Resolution 106-04, that are not listed as conditional uses;
- FFEE. Roadside stand up to one -thousand five -hundred(1,500) square feet in area;
- GGFF. Energy generating facilities accessory to the primary agricultural use on the farm or ranch;
- HHGG. Reservoirs for storage of water by a public utility;
- HHH. Accessory uses and structures appurtenant to permitted uses.

17.07.030 Conditional uses. Within any exclusive agricultural, one hundred sixty acre minimum (AE-160) district, the following uses are permitted subject to first securing a use permit. Conditional uses cannot be substantially detrimental to surrounding agricultural operations, the primary agricultural use of the ~~property~~parcel or to neighboring ~~properties~~parcels.

- A. Additional single-family dwellings, one hundred sixty (160) acres per unit maximum density;
- B. Agricultural support services;
- C. Agricultural processing facilities and activities for products not related to the agricultural product grown on the ~~property~~parcel or which exceed 10% of the parcel size or 10 acres, whichever is less;
- D. Roadside stand exceeding one -thousand five -hundred (1,500) square feet in area;
- E. Agricultural by-product processing facilities not accessory to the agricultural operation on the ~~property~~parcel, including commercial composting facilities;
- F. Livestock feed yards, stockyards, auction yards, animal processing facilities, or

- rendering plants;
- G. Animal hospitals, veterinary clinics, kennels, or animal boarding facilities;
- H. Agricultural hospitality facilities;
- I. Large scale development of mineral resources or surface development of mineral resources within two hundred feet of any property line;
- J. Sawmills for processing timber other than that grown primarily on the same parcel as—where the sawmill is located and other parcels under the same ownership;
- K. Day care centers other than family day care homes;
- L. Schools;
- M. Places of worship;
- N. Cemeteries;
- O. Mausoleums, columbaria and crematoria when in conjunction with a cemetery;
- P. Recreational buildings and developments including, but not limited to, organized camps, campgrounds, recreational vehicle parks and picnic facilities;
- Q. Commercial Sshooting/archery ranges and trap shooting;
- R. Off-road vehicle courses and trails;
- S. On and off-shore marina facilities;
- T. Tent revivals, circuses and carnivals;
- U. Museums;
- V. Commercial refuse and sewage sludge disposal sites and public water and sewer treatment plants;
- W. Public utility uses;
- X. Commercial alternative energy generating facilities, including, but not limited to, wind and solar power facilities;
- Y. Airports and heliports;
- Z. Educational workshops, craft demonstrations and demonstration gardens not accessory to the primary agricultural use of the parcel and not in compliance with the requirements of Section 17.52.220;
- AA. Commercial events not in compliance with the requirements of Section 17.52.220;
- BB. Zoo or exotic animal park;
- CC. Farmers markets;
- DD. Commercial stables with more than 20 stalls;
- EE. Guest ranch exceeding six guest bedrooms or accommodations for 20 persons, whichever is less;
- FF. Accessory uses and structures appurtenant to conditional uses.

17.07.040 Minimum parcel size. Within any exclusive agricultural, one hundred sixty acre minimum (AE-160) district, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than one hundred sixty gross acres in area or will have an area to perimeter ratio of less than 210, as calculated or confirmed by the ~~county~~County Surveyor. An existing parcel which does not meet the minimum parcel or area to perimeter ratio regulations may be reconfigured to a resulting parcel which does not meet the minimum parcel size or area to perimeter ratio provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the area to perimeter ratio of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and the area to perimeter ratio requirements.

17.07.045 Agricultural laborer housing. Notwithstanding ~~section~~Section 17.07.040, a parcel of real property within an agricultural preserve may be divided to create a parcel

of less than or equal to five (5) acres for sale or lease for agricultural laborer housing as provided in ~~section~~Section 51230.2 of the California Government Code.

17.07.050 Building intensity. Within any exclusive agricultural, one hundred sixty acre minimum (AE-160) district, the maximum building intensity shall be two (2) dwellings per one hundred sixty (160) acres; however, additional units are possible for agricultural laborer housing in accordance with state law or through a density bonus for the provision of affordable housing in accordance with the California Government Code. The maximum ratio of the coverage of all buildings on a parcel, referred to as the floor area ratio (FAR), shall be 0.1.

**EXCLUSIVE AGRICULTURAL DISTRICT, EIGHTY ACRE MINIMUM
OR (AE-80) DISTRICT**

17.08.010 Purpose. The purpose of the exclusive agricultural, eighty acre minimum (AE-80) district is to provide for agricultural and resource production where commercial agricultural uses can exist without encroachment of incompatible uses and provide for the preservation and conservation of working landscapes and open space. Development in this zone must comply with Title 15 of this code relative to fire safety standards.

17.08.020 Permitted uses. Within any exclusive agricultural, eighty acre minimum (AE-80) district, the following uses are permitted unless otherwise provided in this chapterChapter:

- A. One single-family dwelling per parcel;
- B. One additional single-family dwelling when the parcel is eighty acres or larger;
- C. One guesthouse per parcel;
- D. Agricultural laborer housing;
- E. General farming and ranching, including uses and land management activities authorized or required by an agricultural production management plan approved by the ~~board of supervisors~~Board of Supervisors for land within an agricultural preserve in accordance with Tuolumne County Resolution 106-04, that are not listed as conditional uses;
- F. Agricultural processing facilities and activities related to the agricultural product grown on the ~~property~~parcel and not to exceed 10% of the ~~property~~parcel size or 10 acres, whichever is less;
- G. Agricultural marketing facilities or activities;
- H. Agricultural by-product processing facilities accessory to the agricultural operation on the ~~property~~parcel, including commercial composting facilities;
- I. U-pick operations;
- J. Growing and harvesting timber products;
- K. Sawmills for processing timber grown primarily on the same parcel as where the sawmill is located and other parcels under the same ownership;
- L. Commercial stables, up to 20 stalls, and riding clubs including, but not limited to, accessory shows and clinics;
- M. Bed and breakfast establishments, within a permitted single-family dwelling, not to exceed six guest bedrooms;
- N. Farm stay, not to exceed six guest bedrooms;
- O. Guest ranch, not to exceed six guest bedrooms or accommodations for 20 persons, whichever is less;
- P. Public safety facilities;
- Q. Residential care homes, transitional housing, supportive housing or nursery schools, within a permitted single-family dwelling, for not more than eight persons;
- R. Small or large family day care home within a permitted or conditional use single-family dwelling, subject to the requirements of ~~section~~Section 17.52.160;
- S. Small -scale development of mineral resources, provided surface development does not occur within two hundred feet of any exterior property line;
- T. Prospecting;

- U. Recreational uses without buildings, accessory to a primary agricultural use including, but not limited to, hiking, non-motorized biking, hunting, fishing, boating, swimming, horseback riding, wagon rides, picnicking, cattle drives and nature walks;
- V. The erection, construction, alteration, or maintenance of gas, water, sewer, electrical, communication or other public utility distribution facilities except as otherwise provided in this code;
- W. Storage of petroleum products for use in conjunction with a permitted the primary agricultural use of the parcel;
- X. Private airstrips and private heliports;
- Y. Educational workshops, craft demonstrations, or demonstration gardens accessory to the primary agricultural use of the parcel;
- ~~Z. Educational workshops, craft demonstrations, or demonstration gardens not accessory to the agricultural use of the parcel subject to the requirements of Section 17.52.220;~~
- AAZ. Commercial events subject to the requirements of Section 17.52.220;
- BBAA. Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests accessory to the primary agricultural use of the parcel;
- CCBB. Petting zoo accessory to the primary agricultural use of the parcel;
- DDCC. Private garages accessory to a single-family dwelling, or one private garage, not to exceed four thousand (4,000) square feet, as a primary use of the parcel;
- EEDD. Open space, including uses and land management activities authorized or required by a wildlife habitat management plan, submerged area plan, recreation master plan, scenic corridor management plan, or other plan for open space use approved by the board of supervisors Board of Supervisors for land within an agricultural preserve in accordance with Tuolumne County Resolution 106-04, that are not listed as conditional uses;
- FFEE. Roadside stand up to one -thousand five -hundred (1,500) square feet in area;
- GGFF. Energy generating facilities accessory to the primary agricultural use on the farm or ranch;
- HHGG. Reservoirs for storage of water by a public utility;
- HHH. Accessory uses and structures appurtenant to permitted uses.

17.08.030 Conditional uses. Within any exclusive agricultural, eighty acre minimum (AE-80) district, the following uses are permitted subject to first securing a use permit. Conditional uses cannot be substantially detrimental to surrounding agricultural operations, the primary agricultural use of the property parcel or to neighboring properties parcels.

- A. Additional single-family dwellings, eighty (80) acres per unit maximum density;
- B. Agricultural support services;
- C. Agricultural processing facilities and activities for products not related to the agricultural product grown on the property parcel or which exceed 10% of the parcel size or 10 acres, whichever is less;
- D. Roadside stand exceeding one -thousand five -hundred (1,500) square feet in area;
- E. Agricultural by-product processing facilities not accessory to the agricultural operation on the property parcel, including commercial composting facilities;
- F. Livestock feed yards, stockyards, auction yards, animal processing facilities, or rendering plants;
- G. Animal hospitals, veterinary clinics, kennels, or animal boarding facilities;

- H. Agricultural hospitality facilities;
- I. Large scale development of mineral resources or surface development of mineral resources within two hundred feet of any exterior property line;
- J. Sawmills for processing timber other than that grown primarily on the same parcel as—where the sawmill is located and other parcels under the same ownership;
- K. Day care centers other than family day care homes;
- L. Schools;
- M. Places of worship;
- N. Cemeteries;
- O. Mausoleums, columbaria and crematoria when in conjunction with a cemetery;
- P. Recreational buildings and developments including, but not limited to, organized camps, campgrounds, recreational vehicle parks and picnic facilities;
- Q. Commercial sShooting/archery ranges and trap shooting;
- R. Off-road vehicle courses and trails;
- S. On and off-shore marina facilities;
- T. Tent revivals, circuses and carnivals;
- U. Museums;
- V. Commercial refuse and sewage sludge disposal sites and public water and sewer treatment plants;
- W. Public utility uses;
- X. Commercial alternative energy generating facilities, including, but not limited to, wind and solar power facilities;
- Y. Airports and heliports;
- Z. Educational workshops, craft demonstrations and demonstration gardens not accessory to the primary agricultural use of the parcel-and not in compliance with the requirements of Section 17.52.220;
- AA. Commercial events not in compliance with the requirements of Section 17.52.220;
- BB. Zoo or exotic animal park;
- CC. Farmers markets;
- DD. Commercial stables with more than 20 stalls;
- EE. Guest ranch exceeding six guest bedrooms or accommodations for 20 persons, whichever is less;
- FF. Accessory uses and structures appurtenant to conditional uses.

17.08.040 Minimum parcel size. Within any exclusive agricultural, eighty acre minimum (AE-80) district, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than eighty gross acres in area or will have an area to perimeter ratio of less than 210, as calculated or confirmed by the countyCounty sSurveyor. An existing parcel which does not meet the minimum parcel or area to perimeter ratio regulations may be reconfigured to a resulting parcel which does not meet the minimum parcel size or area to perimeter ratio provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the area to perimeter ratio of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and the area to perimeter ratio requirements.

17.08.045 Agricultural laborer housing. Notwithstanding sectionSection 17.08.040, a parcel of real property within an agricultural preserve may be divided to create a parcel of less than or equal to five (5) acres for sale or lease for agricultural laborer housing as provided in sectionSection 51230.2 of the California Government Code.

17.08.050 Building intensity. Within any exclusive agricultural, eighty acre minimum (AE-80) district, the maximum building intensity shall be two (2) dwellings per eighty (80) acres; however, additional units are possible for agricultural laborer housing in accordance with state law or through a density bonus for the provision of affordable housing in accordance with the California Government Code. The maximum ratio of the coverage of all buildings on a parcel, referred to as the floor area ratio (FAR), shall be 0.1.

**EXCLUSIVE AGRICULTURAL DISTRICT, THIRTY-SEVEN ACRE MINIMUM
OR (AE-37) DISTRICT**

17.089.010 Purpose. The purpose of the exclusive agricultural, thirty-seven acre minimum (AE-37) district is to provide for agricultural and resource production where commercial agricultural uses can exist without encroachment of incompatible uses and provide for the preservation and conservation of working landscapes and open space. Development in this zone must comply with Title 15 of this ~~code~~Code relative to fire safety standards.

17.089.020 Permitted uses. Within any exclusive agricultural, thirty-seven acre minimum (AE-37) district, the following uses are permitted unless otherwise provided in this ~~chapter~~Chapter:

- A. One single-family dwelling per parcel;
- B. One additional single-family dwelling when the parcel is thirty-seven acres or larger;
- C. One guesthouse per parcel;
- ~~V~~D. Agricultural laborer housing;
- ~~E. General farming and ranching, including uses and land management activities authorized or required by an agricultural production management plan approved by the ~~board of supervisors~~Board of Supervisors for land within an agricultural preserve in accordance with Tuolumne County Resolution 106-04, that are not listed as conditional uses;~~
- ~~D~~F. Agricultural processing facilities and activities and related accessory uses for products primarily from a 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 related to the agricultural product grown on the property parcel and not to exceed 10% of the property parcel size or 10 acres, whichever is less;
- ~~E.~~ Roadside stand and other marketing and sales facilities for agricultural products primarily from a 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;
- G. Agricultural marketing facilities or activities;
- H. Agricultural by-product processing facilities accessory to the agricultural operation on the property parcel, including commercial composting facilities;
- I. U-pick operations;
- F. Nurseries and greenhouses;
- ~~G.~~ Christmas tree farms;
- ~~U~~J. Growing and harvesting forest timber products;
- ~~H~~K. Sawmills for processing timber grown primarily from on the same parcel as where the sawmill is located and other parcels under the same ownership;
- ~~I~~L. Commercial stables, up to 20 stalls, and riding clubs and guest ranches including, but not limited to, accessory shows and clinics;
- M. Bed and breakfast establishments, within a permitted single-family dwelling, not to exceed six guest bedrooms;
- N. Farm stay, not to exceed six guest bedrooms;
- O. Guest ranch, not to exceed six guest bedrooms or accommodations for 20 persons, whichever is less;

- ~~KP.~~ ~~Firehouses and police stations; Public safety facilities;~~
- ~~LQ.~~ Residential care homes, transitional housing, supportive housing or nursery schools, within a permitted single-family dwelling, for not more than eight persons;
- ~~MR.~~ Small or large family day care home within a permitted or conditional use single-family dwelling, subject to the requirements of ~~section~~Section 17.52.160;
- ~~JS.~~ Small ~~_~~-scale development of mineral resources, provided surface development does not occur within two hundred feet of ~~the~~ any exterior property line;
- ~~RT.~~ Prospecting;
- ~~S.~~ ~~Wineries and related accessory uses and facilities for processing grapes or other fruits grown primarily on the same parcel as the winery located;~~
- ~~T.~~ ~~Retail sales or tasting of wine produced from grapes or other fruits grown primarily on the same parcel as the winery is located;~~
- ~~YU.~~ Recreational uses without buildings, ~~incidental~~ or accessory to a primary agricultural use including, but not limited to, hiking, non-motorized biking, hunting, fishing, boating, swimming, horseback riding, wagon rides, picnicking, cattle drives and nature walks;
- ~~N.~~ Churches;
- ~~PV.~~ The erection, construction, alteration, or maintenance of gas, water, sewer, electrical, communication or other Public utility distribution facilities except as otherwise provided in this codeCode;
- ~~XW.~~ Storage of petroleum products for use in conjunction with ~~a permitted~~ the primary agricultural use of the parcel;
- ~~OX.~~ Private airstrips and private heliports;
- ~~Q.~~ Cemeteries;
- ~~Y.~~ Educational workshops, craft demonstrations, or demonstration gardens accessory to the primary agricultural use of the parcel;
- ~~Z.~~ Educational workshops, craft demonstrations, or demonstration gardens not accessory to the agricultural use of the parcel subject to the requirements of Section 17.52.220;
- ~~AAZ.~~ Commercial events subject to the requirements of Section 17.52.220;
- ~~BBAA.~~ Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests accessory to the primary agricultural use of the parcel;
- ~~CGBB.~~ Petting zoo accessory to the primary agricultural use of the parcel;
- ~~ZCCDD.~~ Private garages accessory to a single-family dwelling, or one private garage, not to exceed a building coverage of 25% of the parcel or four thousand (4,000) square feet, whichever is less, as a primary use of the parcel;
- ~~WDDEE.~~ Open space, including uses and land management activities authorized or required by a wildlife habitat management plan, submerged area plan, recreation master plan, scenic corridor management plan, or other plan for open space use approved by the ~~board of supervisors~~Board of Supervisors for land within an agricultural preserve in accordance with Tuolumne County Resolution 106-04, that are not listed as conditional uses;
- ~~FFEE.~~ Roadside stand up to one -thousand five -hundred (1,500) square feet in area;
- ~~GGFF.~~ Energy generating facilities accessory to the primary agricultural use on the farm or ranch;
- ~~HHGG.~~ Reservoirs for storage of water by a public utility;
- ~~AAHHH.~~ Accessory uses and structures appurtenant to permitted uses.

17.089.030 Conditional uses. Within any exclusive agricultural, thirty-seven acre minimum (AE-37) district, the following uses are permitted subject to first securing a use

permit. Conditional uses cannot be substantially detrimental to surrounding agricultural operations, the primary agricultural use of the property parcel or to neighboring properties parcels.

- A. Additional single-family dwellings, thirty-seven acres per unit maximum density;
- ~~T~~B. Agricultural support services;
- ~~C~~. Agricultural processing facilities and activities for products not related to the agricultural product grown on the property parcel or which exceed 10% of the parcel size or 10 acres, whichever is less;
- ~~R~~D. Roadside stands for products not grown primarily on the parcel exceeding one-thousand five hundred (1,500) square feet in area;
- ~~E~~. Agricultural by-product processing facilities not accessory to the agricultural operation on the property parcel, including commercial composting facilities;
- ~~O~~F. Livestock feedlots yards, stockyards, auction yards, or slaughterhouses animal processing facilities, or rendering plants;
- ~~Q~~G. Animal hospitals, veterinary clinics, kennels, or animal boarding facilities;
- ~~H~~. Agricultural hospitality facilities;
- I. Large scale development of mineral resources or surface development of mineral resources within two hundred feet of any exterior property line;
- J. Sawmills for processing timber other than that grown primarily on the same parcel as where the sawmill is located and other parcels under the same ownership;
- ~~E~~K. Day care centers other than family day care homes;
- ~~F~~L. Schools;
- ~~M~~. Places of worship;
- ~~N~~. Cemeteries;
- ~~K~~O. Mausoleums, columbaria and crematoria when in conjunction with a cemetery;
- ~~L~~. Wineries and related accessory uses and facilities for processing grapes or other fruits not grown primarily on the same parcel as the winery is located;
- ~~M~~. Wine marketing facilities;
- ~~B~~P. Recreational buildings and developments including, but not limited to, organized camps, campgrounds, recreational vehicle parks and picnic facilities;
- ~~Q~~. Commercial sShooting/archery ranges and trap shooting;
- ~~R~~. Off-road vehicle courses and trails;
- ~~C~~S. On and off-shore marina facilities;
- ~~D~~T. Tent revivals, circuses and carnivals;
- ~~U~~. Museums;
- ~~G~~V. Commercial Rrefuse and sewage sludge disposal sites and public water and sewer treatment plants;
- ~~H~~W. Public utility uses;
- ~~X~~. Commercial alternative energy generating facilities, including, but not limited to, wind and solar power facilities;
- ~~N~~Y. Airports and heliports;
- ~~P~~. Bed and breakfast establishments, within a permitted single family dwelling, six bedrooms or less;
- ~~S~~. Other enterprises compatible with agricultural resource utilization;
- ~~Z~~. Educational workshops, craft demonstrations and demonstration gardens not accessory to the primary agricultural use of the parcel and not in compliance with the requirements of Section 17.52.220;
- ~~AA~~. Commercial events not in compliance with the requirements of Section 17.52.220;

- BB. Zoo or exotic animal park;
- CC. Farmers markets;
- DD. Commercial stables with more than 20 stalls;
- EE. Guest ranch exceeding six guest bedrooms or accommodations for 20 persons, whichever is less;
- UFF. Accessory uses and structures appurtenant to conditional uses.

7.089.040 Minimum parcel size. Within any exclusive agricultural, thirty-seven acre minimum (AE-37) district, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than thirty-seven gross acres in area or will have an area to perimeter ratio of less than 210, as calculated or confirmed by the ~~county~~County ~~S~~urveyor. An existing parcel which does not meet the minimum parcel or area to perimeter ratio regulations may be reconfigured to a resulting parcel which does not meet the minimum parcel size or area to perimeter ratio provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the area to perimeter ratio of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and the area to perimeter ratio requirements.

17.089.045 ~~Farm~~Agricultural laborer housing. Notwithstanding ~~section~~Section 17.08.040, a parcel of real property within an agricultural preserve may be divided to create a parcel of less than or equal to five (5) acres for sale or lease for agricultural laborer housing as provided in ~~section~~Section 51230.2 of the California Government Code.

17.089.050 Building intensity. Within any exclusive agricultural, thirty-seven acre minimum (AE-37) district, the maximum building intensity shall be two (2) dwellings per thirty-seven (37) acres; however, additional units are possible for agricultural laborer housing in accordance with state law 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, referred to as the floor area ratio (FAR), shall be 0.1.

Chapter 17.10

Field Code

GENERAL AGRICULTURAL DISTRICT, TWENTY ACRE MINIMUM, OR (A-20) DISTRICT

17.10.010 Purpose. The purpose of the general agricultural, twenty acre minimum (A-20) district is to provide for country-estate ~~type~~ living while maintaining large areas for the commercial production of food and fiber where such agricultural uses can exist without the encroachment of incompatible land uses. Development in this zone must comply with Title 15 of this ~~code~~Code relative to fire safety standards.

17.10.020 Permitted uses. Within any general agricultural, twenty acre minimum (A-20) district, the following uses are permitted unless otherwise provided in this ~~chapter~~Chapter:

Field Code

- A. One single-family dwelling per parcel;
- B. One additional single-family dwelling or one guesthouse when the parcel is twenty acres or larger;
- ~~V~~C. Agricultural laborer housing;
- ~~E~~D. General farming and ranching;
- ~~D~~E. Agricultural processing facilities and activities ~~and related accessory uses for products primarily from a 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~~ related to the agricultural product grown on the property parcel and not to exceed 10% of the parcel size or 5 acres, whichever is less;
- ~~E~~F. Roadside stand ~~and other marketing and sales facilities for agricultural products primarily from a 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~~ up to one- thousand five -hundred(1,500) square feet in area;
- ~~G~~. Agricultural marketing facilities or activities;
- ~~H~~. Agricultural by-product processing facilities accessory to the agricultural operation on the property parcel, including commercial composting facilities;
- ~~I~~. U-pick operations;
- ~~F~~J. Nurseries and greenhouses;
- ~~G~~K. Christmas trees farms;
- ~~U~~J. Growing and harvesting ~~of forest timber~~ products;
- ~~H~~K. Sawmills for processing timber grown only on the same parcel ~~as where~~ the sawmill is located;
- ~~J~~L. Commercial stables, up to 20 stalls, and riding clubs ~~and guest ranches including, but not limited to, accessory shows and clinics;~~
- ~~O~~M. Bed and breakfast establishments, within a permitted single-family dwelling, not to exceed six guest bedrooms ~~or less;~~
- ~~N~~. Farm sStay, not to exceed six guest bedrooms;
- ~~O~~. Guest rRanch, not to exceed six guest bedrooms or accommodations for 20 persons, whichever is less;
- ~~M~~P. Residential care homes, transitional housing, supportive housing or nursery schools within a permitted single-family dwelling, for not more than eight persons;
- ~~W~~Q. Small or large family day care home within a permitted or conditional use single-family dwelling, subject to the requirements of ~~section~~Section 17.52.160;
- ~~K~~R. Small -scale development of mineral resources, provided surface development

- does not occur within two hundred feet of ~~the~~ any exterior property line;
- ~~Q.S.~~ Prospecting;
- ~~T.~~ General recreational use without buildings, incidental accessory to the primary use of the parcel including, but not limited to, hiking, non-motorized biking, hunting, fishing, boating, swimming, horseback riding, wagon rides, picnicking, cattle drives, and nature walks;
- ~~LU.~~ ~~Firehouses and police stations~~ Public safety facilities;
- ~~N.~~ Churches;
- ~~PV.~~ 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 codeCode;
- ~~R.~~ Cemeteries;
- ~~S.~~ Wineries and related accessory uses and facilities for processing grapes or other fruits grown primarily on the same parcel as the winery is located;
- ~~T.~~ Retail sales or tasting of wine produced from grapes or other fruits grown primarily on the same parcel as the winery is located;
- ~~W.~~ Educational workshops, craft demonstrations or demonstration gardens accessory to the primary agricultural use of the parcel;
- ~~X.~~ Educational workshops, craft demonstrations, or demonstration gardens not accessory to the agricultural use of the parcel subject to the requirements of Section 17.52.220;
- ~~YX.~~ Commercial events subject to the requirements of Section 17.52.220;
- ~~ZY.~~ Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests accessory to the primary agricultural use of the parcel;
- ~~AAZ.~~ Petting zoo accessory to the primary agricultural use of the parcel;
- ~~XAABB.~~ Private garages accessory to a single-family dwelling, or one private garage, not to exceed a building coverage of 25% of the parcel or four thousand (4,000) square feet, whichever is less, as a primary use of the parcel;
- ~~YBBCC.~~ Accessory uses and structures appurtenant to permitted uses.

17.10.030 Conditional uses. Within any general agricultural, twenty acre minimum (A-20) district, the following uses are permitted subject to first securing a use permit. The conditional uses cannot be substantially detrimental to surrounding agricultural operations, the primary agricultural use of the propertyparcel or to neighboring propertiesparcels.

- A. One additional single-family dwelling, ten acres per unit maximum density;
- ~~B.~~ Agricultural processing facilities and activities for products not related to the agricultural product grown on the propertyparcel or which exceed 10% of the parcel size or 5 acres, whichever is less;
- ~~C.~~ Roadside stand exceeding one -thousand five -hundred (1,500) square feet in area;
- ~~D.~~ Agricultural by-product processing facilities not accessory to the agricultural operation on the propertyparcel, including commercial composting facilities;
- ~~GE.~~ Livestock feedlots yards, stockyards, auction yards, and slaughterhouses animal processing facilities, or rendering plants;
- ~~RF.~~ Animal hospitals, veterinary clinics, kennels, or animal boarding facilities;
- ~~G.~~ Commercial stables with more than 20 stalls;
- ~~LH.~~ Large scale development of mineral resources and or surface development of mineral resources within two hundred feet of any exterior property line;
- ~~M.~~ Sawmills for processing timber not grown on the same parcel as where the

- sawmill is located;
- HJ. Residential care homes, nursery schools and day care centers, other than family day care homes;
- JK. Schools, libraries, museums, art galleries, tourist information facilities;
- L. Places of worship;
- M. Cemeteries;
- ON. Mausoleums, columbaria and crematoria, when in conjunction with a cemetery;
- DO. Recreational buildings and developments including, but not limited to, organized camps, campgrounds, recreational vehicle parks and picnic facilities;
- P. Off-road vehicle courses and trails;
- EQ. On and off-shore marina facilities;
- FR. Tent revivals, ~~c~~ Circuses and carnivals;
- ~~S.~~ Museums;
- ~~G.~~ Health care facilities;
- ~~ST.~~ Temporary sales offices for parcels and residences;
- KTU. Commercial Refuse and sewage sludge disposal sites and public water and sewer treatment plants;
- ~~NUV.~~ Public utility uses;
- VW. Commercial alternative energy generating facilities, including, but not limited to, wind and solar power facilities;
- ~~P.~~ Wineries and related accessory uses and facilities for processing grapes or other fruits not grown primarily on the same parcel as the winery is located;
- ~~Q.~~ Wine marketing facilities;
- ~~S.~~ Kennels;
- ~~BWX.~~ Airports and heliports;
- XY. Educational workshops, craft demonstrations and demonstration gardens not accessory to the primary agricultural use of the parcel and not in compliance with the requirements of Section 17.52.220;
- YZ. Commercial events not in compliance with the requirements of Section 17.52.220;
- ZAA. Guest ranch exceeding six guest bedrooms or accommodations for 20 persons, whichever is less;
- AABB. Farmers markets;
- TBBCC. Accessory uses and structures appurtenant to conditional uses.

17.10.040 Minimum parcel size. Within any general agricultural, twenty acre minimum (A-20) district, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than twenty gross acres in area or have an average width of less than five hundred feet. An existing parcel which does not meet the minimum parcel size or average width regulations may be reconfigured to a resulting parcel which does not meet the minimum parcel size and average width requirements provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the average width of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and average width requirements.

17.10.050 Building intensity. Within any general agricultural, twenty acre minimum (A-20) district, the maximum building intensity shall be one (1) dwelling per ten (10) acres; however, additional units are possible for agricultural laborer housing in accordance with state law 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

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parcel, referred to as the floor area ratio (FAR), shall be 0.2.

Chapter 17.12

GENERAL AGRICULTURAL DISTRICT, TEN ACRE MINIMUM, OR (A-10) DISTRICT

17.12.010 Purpose. The purpose of the general agricultural, ten acre minimum (A-10) district is to provide for country-estate ~~type~~ living on parcels less than twenty acres in area while maintaining areas for the commercial production of food and fiber where such agricultural uses can exist without the encroachment of incompatible land uses. Development in this zone must comply with Title 15 of this ~~code~~Code relative to fire safety standards.

17.12.020 Permitted uses. Within any general agricultural, ten acre minimum (A-10) district, the following uses are permitted unless otherwise provided in this ~~chapter~~Chapter:

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- A. One single-family dwelling per parcel;
- B. One additional single-family dwelling or one guesthouse when the parcel is ten acres or larger;
- ~~UC.~~ Agricultural laborer housing;
- ~~ED.~~ General farming and ranching;
- ~~DE.~~ 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~~ related to the agricultural product grown on the property parcel and not to exceed 10% of the parcel size or 2 acres, whichever is less;
- ~~EF.~~ Roadside stand ~~and other marketing and sales facilities for agricultural products primarily from a 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~~ up to one thousand five hundred (1,500) square feet in area;
- ~~G.~~ Agricultural marketing facilities or activities;
- ~~H.~~ Agricultural by-product processing facilities accessory to the agricultural operation on the property parcel;
- ~~I.~~ U-pick operations;
- ~~F.~~ Nurseries and greenhouses;
- ~~G.~~ Christmas tree farms;
- ~~TJ.~~ Growing and harvesting ~~of forest timber~~ products;
- ~~K.~~ Commercial stables, up to 20 stalls, and riding clubs including, but not limited to, accessory shows and clinics;
- ~~ML.~~ Bed and breakfast establishments, within a permitted single-family dwelling, not to exceed six quest bedrooms ~~or less~~;
- ~~K.M.~~ Residential care homes, transitional housing, supportive housing or nursery schools within a permitted single-family dwelling, for not more than eight persons;
- ~~VN.~~ Small or large family day care home within a permitted or conditional use single-family dwelling, subject to the requirements of ~~section~~Section 17.52.160;
- ~~IQ.~~ Small -scale development of mineral resources, provided surface development does not occur within two hundred feet of ~~the~~ any exterior property line;
- P. Prospecting;
- ~~HQ.~~ General recreational use without buildings, incidental accessory to the primary use of the parcel including, but not limited to, hiking, non-motorized biking, hunting, fishing, boating, swimming, horseback riding, wagon rides, picnicking,

cattle drives, and nature walks;

- ~~JR.~~ Public safety facilities;
- ~~L.~~ Churches;
- ~~OS.~~ The erection, construction, alteration, or maintenance of gas, water, sewer, electrical, communication or other Public utility distribution facilities except as otherwise provided in this codeCode;
- ~~NT.~~ Animal hospitals, indoors;
- ~~Q.~~ Cemeteries;
- ~~R.~~ Wineries and related accessory uses and facilities for processing grapes or other fruits grown primarily on the same parcel as the winery is located;
- ~~S.~~ Retail sales or tasting of wine produced from grapes or other fruits grown primarily on the same parcel as the winery is located;
- ~~U.~~ Educational workshops, craft demonstrations or demonstration gardens accessory to the primary agricultural use of the parcel;
- ~~V.~~ Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests accessory to the primary agricultural use of the parcel;
- ~~W.~~ Petting zoo accessory to the primary agricultural use of the parcel;
- ~~X.~~ Farm stay within a permitted single-family dwelling, not to exceed six guest bedrooms;
- ~~Y.~~ Guest ranch within a permitted single-family dwelling, not to exceed six guest bedrooms or accommodations for 20 persons, whichever is less;
- ~~WZ.~~ Private garages accessory to a single-family dwelling, or one private garage, not to exceed ~~a building coverage of 25% of the parcel~~ or four thousand (4,000) square feet, ~~whichever is less,~~ as a primary use of the parcel;
- ~~VAA.~~ Accessory uses and structures appurtenant to permitted uses.

17.12.030 Conditional uses. Within any general agricultural, ten acre minimum (A-10) district, the following uses are permitted subject to first securing a use permit. The conditional uses cannot be substantially detrimental to surrounding agricultural operations, the primary agricultural use of the ~~property~~parcel or to neighboring ~~properties~~parcels.

- ~~A.~~ One additional single-family dwelling, ten acres per unit maximum density;
- ~~B.~~ Agricultural processing facilities and activities for products not related to the agricultural product grown on the ~~property~~parcel or which exceed 10% of the parcel size or 2 acres, whichever is less;
- ~~C.~~ Roadside stand exceeding one ~~-~~thousand five ~~-~~hundred (1,500) square feet in area;
- ~~D.~~ Agricultural by-product processing facilities not accessory to the agricultural operation on the ~~property~~parcel, including commercial composting facilities;
- ~~DE.~~ Livestock feed~~lots~~ yards, stockyards, auction yards, ~~and~~slaughterhouses, or rendering plants;
- ~~JE.~~ Animal hospitals, outdoors, veterinary clinics, kennels, or animal boarding facilities;
- ~~G.~~ Commercial stables with more than 20 stalls;
- ~~PH.~~ Large scale development of mineral resources ~~and~~ or surface development of mineral resources within two hundred feet of any exterior property line;
- ~~EJ.~~ Sawmills;
- ~~IJ.~~ Residential care homes, nursery schools and day care centers, other than family day care homes;

- ~~LK.~~ Schools, libraries, museums, art galleries, tourist information facilities;
- ~~L.~~ Places of worship;
- ~~M.~~ Cemeteries;
- ~~QN.~~ Mausoleums, columbaria and crematoria, when in conjunction with a cemetery;
- ~~EO.~~ Recreational buildings and developments including, but not limited to, organized camps, campgrounds, recreational vehicle parks and picnic facilities;
- ~~P.~~ Off-road vehicle courses and trails;
- ~~FQ.~~ On and off-shore marina facilities;
- ~~GR.~~ Tent revivals, circuses and carnivals;
- ~~S.~~ Museums;
- ~~H.~~ Health care facilities;
- ~~K.~~ Kennels;
- ~~MSF.~~ Temporary sales offices for parcels and residences;
- ~~NTU.~~ Commercial Refuse and sewage sludge disposal sites, and public water and sewer treatment plants;
- ~~V.~~ Commercial composting facilities;
- ~~OWU.~~ Public utility uses;
- ~~VX.~~ Commercial alternative energy generating facilities including, but not limited to, wind and solar power facilities;
- ~~BWY.~~ Airports and heliports;
- ~~R.~~ Wineries and related accessory uses and facilities for processing grapes or other fruits not grown primarily on the same parcel as the winery is located;
- ~~S.~~ Wine marketing facilities;
- ~~XZ.~~ Farm stay, not to exceed six guest bedrooms other than within a permitted single-family dwelling;
- ~~TYAA.~~ Commercial stables, riding clubs and guest ranches other than within a permitted single-family dwelling or exceeding six guest bedrooms or accommodations for 20 persons, whichever is less;
- ~~ZBB.~~ Educational workshops, craft demonstrations and demonstration gardens not accessory to the primary agricultural use of the parcel;
- ~~AAGG.~~ Commercial events pursuant to Section 17.52.220;
- ~~BBDD.~~ Farmers markets;
- ~~UCCEE.~~ Accessory uses and structures appurtenant to conditional uses.

17.12.040 Minimum parcel size. Within any general agricultural, ten acre minimum (A-10) district, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than ten gross acres in area. An existing parcel which does not meet the minimum parcel size regulation may be reconfigured to a resulting parcel which does not meet the minimum parcel size provided the reconfiguration does not result in a decrease in the size of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size requirement.

17.12.050 Building Intensity. Within any general agricultural, ten acre minimum (A-10) district, the maximum residential building intensity shall be one (1) dwelling per ~~five (5)~~ ten (10) acres; however, additional units are possible for agricultural laborer housing in accordance with state law 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, referred to as the floor area ratio (FAR), shall be 0.2.

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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 ~~codeCode~~ 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. ~~De~~development 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 ~~chapterChapter~~:

- 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 ~~sectionSection~~ 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;~~
- ~~FE.~~ 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 propertyparcel;
- ~~GH.~~ Firehouses and police stations Public safety facilities;
- ~~KI.~~ Small or large family day care home within a permitted or conditional use single-family dwelling, subject to the requirements of ~~sectionSection~~ 17.52.160;
- ~~HJ.~~ 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;
- ~~IL.~~ The erection, construction, alteration or maintenance of gas, water, sewer, electrical, communication or other Ppublic utility distribution facilities except as otherwise provided in this ~~codeCode~~;
- ~~M.~~ Growing and harvesting timber products;
- ~~JN.~~ Prospecting;
- ~~LO.~~ Private garages accessory to a single-family dwelling, or one private garage, not to exceed ~~a building coverage of 25% of the parcel or four thousand (4,000) square feet, whichever is less,~~ as a primary use of the parcel; **(BOSPC)**
- ~~MP.~~ 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:

- QA. 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~~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;
- ~~BD. 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~~ parcel;
- G. Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests;
- ~~G. Nurseries and greenhouses for commercial use;~~
- ~~DH. Sawmills for processing timber grown only on the same parcel ~~as where~~ the sawmill is located, for a period not to exceed sixty days;~~
- EI. On and off-shore marina facilities;
- FJ. Tent revivals, circuses and carnivals;
- ~~GK. Development of mineral resources;~~
- HL. Health care facilities;
- ~~IM. Residential care homes, nursery schools and day care centers, other than family day care homes;~~
- JN. Schools, ~~churches~~ places of worship, libraries, museums, art galleries, tourist information facilities;
- ~~KO. Bed and breakfast establishments, within a permitted single-family dwelling, not to exceed six quest bedrooms ~~or less~~;~~
- LP. Animal hospitals, indoors;
- MQ. Temporary sales offices for parcels and residences;
- ~~NR. Public utility uses;~~
- OS. Water treatment plants;
- I. Commercial alternative energy generating facilities including, but not limited to, wind and solar power facilities;
- P. Christmas tree farms;
- RU. 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 buildings s 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~~Board of Supervisors determines that physical or environmental constraints on the ~~property~~parcel make development to the minimum density infeasible.

Chapter 17.26

RESIDENTIAL ESTATE, TWO ACRE MINIMUM DISTRICT, OR (RE-2) DISTRICT

17.26.010 Purpose. The purpose of the residential estate, two acre minimum (RE-2) district is to provide areas where persons may enjoy rural residential living while engaging in limited agricultural pursuits or maintaining livestock. The RE-2 district, being lower in population density than the RE-1 district, is intended to occur where fewer municipal services are available. Development in this zone must comply with Title 15 of this ~~code~~Code relative to fire safety standards.

17.26.020 Permitted uses. Within any residential estate, two acre minimum (RE-2) district, the following uses are permitted unless otherwise provided in this ~~chapter~~Chapter:

- A. One primary single-family dwelling per parcel;
- B. Mobilehome parks, not to exceed a density of one dwelling unit per two acres;
- 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~~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. 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;
- F. Agricultural by-product processing facilities accessory to the agricultural operation on the ~~property~~parcel;
- E. Nurseries and greenhouses for domestic use;
- F.G. General recreational use ~~incidental~~accessory to the primary use of the parcel;
- 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~~Section 17.52.160;
- H.U. 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;
- L. The erection, construction, alteration or maintenance of gas, water, sewer, electrical, communication or other Public utility distribution facilities except as otherwise provided in this ~~code~~Code;
- M. Growing and harvesting timber products;
- J.N. Prospecting;
- O. Bed and breakfast establishments, within a permitted single-family dwelling, not to exceed six guest bedrooms or less;
- L.P. Private garages accessory to a single-family dwelling, or one private garage, not to exceed ~~a building coverage of 25% of the parcel or~~ four thousand (4,000) square feet, whichever is less, as a primary use of the parcel;
- M.Q. Accessory uses and structures appurtenant to permitted uses.

17.26.030 Conditional uses. Within any residential estate, two acre minimum (RE-2) district, the following uses are permitted subject to first securing a use permit:

- 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~~Section 17.52.200, or one attached secondary single-family dwelling unit, exceeding one thousand two hundred (1,200) square feet of living area;
- ~~B. 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 or 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;
- ~~CD. 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~~ parcel;
- G. Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests;
- ~~D. Nurseries and greenhouses for commercial use;~~
- ~~EH. Sawmills for processing timber grown only on the same parcel ~~as where~~ the sawmill is located, for a period not to exceed sixty days;~~
- FI. On and off-shore marina facilities;
- ~~GJ. Tent revivals, circuses and carnivals;~~
- ~~HK. Development of mineral resources;~~
- ~~IL. Health care facilities;~~
- ~~JM. Residential care homes, nursery schools and day care centers, other than family day care homes;~~
- ~~KN. Schools, ~~churches~~ places of worship, libraries, museums, art galleries, tourist information facilities;~~
- ~~L. Bed and breakfast establishments, within a permitted single-family dwelling six bedrooms or less;~~
- ~~MO. Animal hospitals, indoors;~~
- ~~NP. Temporary sales offices for parcels and residences;~~
- ~~OQ. Commercial ~~R~~efuse and sewage sludge disposal sites, and public water and sewer treatment plants;~~
- ~~PR. Public utility uses;~~
- S. Commercial alternative energy generating facilities including, but not limited to, wind and solar power facilities;
- ~~Q. Christmas-tree farms;~~
- ~~RI. Airports and heliports;~~
- ~~SU. Accessory uses and structures appurtenant to conditional uses.~~

17.26.040 Minimum parcel size. Within any residential estate, two acre minimum (RE-2) district, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than two gross acres in area or less than one hundred feet in width at the front setback line. An existing parcel which does not meet the minimum parcel

size or width at front setback requirements may be reconfigured to a resulting parcel which does not meet the minimum parcel size and width at front setback requirements 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.

17.26.050 Building intensity. Within any residential estate, two acre minimum (RE-2) district, the maximum residential building intensity shall be one (1) dwelling unit per two (2) acres; 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, referred to as the floor area ratio (FAR), shall be 0.5.

Chapter 17.27

RESIDENTIAL ESTATE, THREE ACRE MINIMUM DISTRICT, OR (RE-3) DISTRICT

17.27.010 Purpose. The purpose of the residential estate, three acre minimum (RE-3) district is to provide areas where persons may enjoy country-estate type living while engaged in limited agricultural pursuits or maintaining livestock. The RE-3 district, being lower in population density than the RE-2 district, is consistent with the density standards of the Tuolumne County ~~ALUC airport land use policy plan~~ Airport Land Use Compatibility Plan for compatibility zones B2 and C. Public services such as public water and sewer need not be available nor is a demand for such services in these areas desired. Development in this zone must comply with Title 15 of this ~~code~~Code relative to fire safety standards.

17.27.020 Permitted uses. Within any residential estate, three acre minimum (RE-3) district, the following uses are permitted unless otherwise provided in this ~~chapter~~Chapter:

- A. One primary single-family dwelling per parcel;
- B. Mobilehome parks, not to exceed a density of one dwelling unit per three acres;
- ~~C.~~ 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~~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.~~ D. General farming and ranching ~~that is not detrimental to neighboring parcels~~;
- ~~E.~~ E. Agricultural processing facilities and activities for the agricultural product grown on the parcel and not to exceed 20% of the parcel size or one acre, whichever is less;
- ~~F.~~ F. Agricultural marketing facilities or activities;
- ~~G.~~ G. Agricultural by-product processing facilities accessory to the agricultural operation on the ~~property~~parcel;
- ~~D.~~ D. Nurseries and greenhouses for domestic use;
- ~~E.~~ H. General recreational use ~~incidental~~accessory to the primary use of the parcel;
- ~~F.~~ F. Firehouses and police stations Public safety facilities;
- J. Small or large family day care home within a permitted or conditional use single-family dwelling, subject to the requirements of ~~section~~Section 17.52.160;
- ~~G.~~ K. Residential care homes, transitional housing, supportive housing or nursery schools within a permitted single-family dwelling, for not more than eight persons;
- ~~L.~~ L. Private stables;
- ~~H.~~ M. The erection, construction, alteration or maintenance of gas, water, sewer, electrical, communication or other Public utility distribution facilities except as otherwise provided in this ~~code~~Code;
- ~~N.~~ N. Growing and harvesting timber products;
- ~~I.~~ O. Prospecting;
- ~~P.~~ P. Bed and breakfast establishments, within a permitted single-family dwelling, not to exceed six guest bedrooms or less;
- ~~K.~~ Q. Private garages accessory to a single-family dwelling, or one private garage, not to exceed ~~a building coverage of 25% of the parcel or~~ four thousand (4,000) square feet, whichever is less, as a primary use of the parcel;

MR. Accessory uses and structures appurtenant to permitted uses.

17.27.030 Conditional uses. Within any residential estate, three acre minimum (RE-3) district, the following uses are permitted subject to first securing a use permit:

- 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~~Section 17.52.200, or one attached secondary single-family dwelling unit, exceeding one thousand two hundred (1,200) square feet of living area;
- ~~B.~~ ~~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 or 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 acre, whichever is less;
- ~~CC.~~ ~~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;~~
- D. U-pick operations;
- E. Educational workshops, craft demonstrations or demonstration gardens accessory to the agricultural operation on the ~~property~~ parcel;
- F. Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests;
- ~~D.~~ ~~Nurseries and greenhouses for commercial use;~~
- EG. Sawmills for processing timber grown only on the same parcel ~~as~~where the sawmill is located, for a period not to exceed sixty days;
- FH. On and off-shore marina facilities;
- GI. Tent revivals, circuses and carnivals;
- HJ. Development of mineral resources;
- IK. Health care facilities;
- JL. Residential care homes, nursery schools and day care centers, other than family day care homes;
- KM. Schools, ~~churches~~ places of worship, libraries, museums, art galleries, tourist information facilities;
- ~~L.~~ ~~Bed and breakfast establishments, within a permitted single-family dwelling six bedrooms or less;~~
- MN. Animal hospitals, indoors;
- NO. Temporary sales offices for parcels and residences;
- OP. Commercial Refuse and sewage sludge disposal sites, and public water and sewer treatment plants;
- PQ. Public utility uses;
- R. Commercial alternative energy generating facilities including, but not limited to, wind and solar power facilities;
- ~~Q.~~ ~~Christmas tree farms;~~
- RS. Airports and heliports;
- SI. Accessory uses and structures appurtenant to conditional uses.

17.27.040 Minimum parcel size. Within any residential estate, three acre minimum

(RE-3) district, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than three gross acres in area or less than one hundred feet in width at the front setback line. An existing parcel which does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel which does not meet the minimum parcel size and width at front setback requirements 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.

17.27.050 Building intensity. Within any residential estate, three acre minimum (RE-3) district, the maximum residential building intensity shall be one (1) dwelling unit per three (3) acres; 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, referred to as the floor area ratio (FAR), shall be 0.5.

Chapter 17.28

RESIDENTIAL ESTATE, FIVE ACRE MINIMUM DISTRICT, OR (RE-5) DISTRICT

17.28.010 Purpose. The purpose of the residential estate, five acre minimum (RE-5) district is to provide a low density residential zoning classification offering country-estate type living conditions while maintaining large areas of open space dedicated to agricultural pursuits, grazing or left undisturbed. The RE-5 district is intended for areas where public services are limited. Development in this zone must comply with Title 15 of this ~~code~~Code relative to fire safety standards.

17.28.020 Permitted uses. Within any residential estate, five acre minimum (RE-5) district, the following uses are permitted unless otherwise provided in this ~~chapter~~Chapter:

- A. One primary single-family dwelling per parcel;
- B. Mobilehome parks, not to exceed a density of one dwelling unit per five acres;
- 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~~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. ~~Processing agricultural products primarily from the farm or ranch grown on the parcel~~ Agricultural processing facilities and activities for the agricultural product grown on the parcel and not to exceed 20% of the parcel size or two acres, whichever is less;
- F. Agricultural marketing facilities or activities;
- ~~FG.~~ 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 up to one thousand five hundred (1,500) square feet in area;
- H. Agricultural by-product processing facilities accessory to the agricultural operation on the property~~parcel;~~
- I. U-pick operations;
- ~~G.~~ Nurseries and greenhouses;
- ~~HJ.~~ General recreational use ~~incidental~~ accessory to the primary use of the parcel;
- K. Growing and harvesting timber products;
- ~~IL.~~ Firehouses and police stations ~~Public safety facilities;~~
- ~~RM.~~ Small or large family day care home within a permitted or conditional use single-family dwelling, subject to the requirements of ~~section~~Section 17.52.160;
- ~~JN.~~ Residential care homes, transitional housing, supportive housing or nursery schools within a permitted single-family dwelling, for not more than eight persons;
- ~~KO.~~ Bed and breakfast establishments, within a permitted single-family dwelling, not to exceed six quest bedrooms ~~or less;~~
- ~~LP.~~ Animal hospitals, indoors;
- Q. Private stables;
- ~~MR.~~ The erection, construction, alteration or maintenance of gas, water, sewer, electrical, communication or other ~~P~~ublic utility distribution facilities except as otherwise provided in this code~~Code~~;

- ~~NS.~~ Prospecting;
- ~~O.~~ Cemeteries;
- ~~P.~~ Wineries and related accessory uses and facilities for processing grapes or other fruits grown primarily on the same parcel as the winery is located;
- ~~Q.~~ Retail sales or tasting of wine produced from grapes or other fruits grown primarily on the same parcel as the winery is located;
- T. Educational workshops, craft demonstrations or demonstration gardens accessory to the primary agricultural use of the parcel;
- U. Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests, accessory to the primary agricultural use of the property parcel;
- ~~SV.~~ Private garages accessory to a single-family dwelling, or one private garage, not to exceed ~~a building coverage of 25% of the parcel or~~ four thousand (4,000) square feet, ~~whichever is less,~~ as a primary use of the parcel;
- TW. Accessory uses and structures appurtenant to permitted uses.

17.28.030 Conditional uses. Within any residential estate, five acre minimum (RE-5) district, the following uses are permitted subject to first securing a use permit:

- 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~~Section 17.52.200, or one attached secondary single-family dwelling unit, exceeding one thousand two hundred (1,200) square feet of living area;
- B. Sawmills for processing timber grown only on the same parcel ~~as where~~ the sawmill is located, for a period not to exceed sixty days;
- C. Commercial stables, ~~and~~, riding clubs ~~and guest ranches~~ including, but not limited to, accessory shows and clinics;
- D. On and off-shore marina facilities;
- E. Tent revivals, circuses and carnivals;
- F. Development of mineral resources;
- ~~G.~~ Health care facilities;
- HG. Residential care homes, nursery schools and day care centers, other than family day care homes;
- IH. Animal hospitals, outdoors, veterinary clinics, kennels, or animal boarding facilities;
- ~~J.~~ Kennels;
- ~~KI.~~ Temporary sales offices for parcels and residences;
- ~~LJ.~~ Commercial Refuse and sewage sludge disposal sites, and public water and sewer treatment plants;
- K. Commercial composting facilities;
- ~~M.~~ Public utility uses;
- M. Commercial alternative energy generating facilities including, but not limited to, wind and solar power facilities;
- N. Airports and heliports;
- ~~O.~~ Christmas tree farms;
- O. Cemeteries;
- P. Mortuaries, funeral homes, mausoleums, columbaria and crematoria, when in conjunction with a cemetery;
- ~~P.~~ Cemeteries;

- Q. Schools, ~~churches~~ places of worship, libraries, museums, art galleries, tourist information facilities;
- ~~R. Wineries and related accessory uses and facilities for processing grapes or other fruits not grown primarily on the same parcel as the winery is located;~~
- ~~S. Wine marketing facilities;~~
- ~~R. Agricultural processing facilities and activities not for the agricultural product grown on the property parcel or which exceed 20% of the parcel size or two acres, whichever is less;~~
- ~~TS. Roadside stand and other marketing and sales facilities for agricultural products not produced primarily on the parcel exceeding one thousand five hundred (1,500) square feet in area;~~
- ~~T. Educational workshops, craft demonstrations and demonstration gardens not accessory to the primary agricultural use of the parcel;~~
- ~~U. Commercial events pursuant to Section 17.52.220, such as lawn parties, weddings, or similar outdoor activities;~~
- ~~V. Petting zoo;~~
- ~~UV. Accessory uses and structures appurtenant to conditional uses.~~

17.28.040 Minimum parcel size. Within any residential estate, five acre minimum (RE-5) district, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than five gross acres in area or less than two hundred feet in width at the front setback line. An existing parcel which does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel which does not meet the minimum parcel size and width at front setback requirements 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.

17.28.050 Building intensity. Within any residential estate, five acre minimum (RE-5) district, the maximum residential building intensity shall be one (1) dwelling unit per five (5) acres; 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, referred to as the floor area ratio (FAR), shall be 0.2.

Chapter 17.29

RESIDENTIAL ESTATE, TEN ACRE MINIMUM DISTRICT, OR (RE-10) DISTRICT

17.29.010 Purpose. The purpose of the residential estate, ten acre minimum (RE-10) district is to provide areas for country-estate type living conditions while maintaining large areas of open space dedicated to agricultural pursuits, grazing or left undisturbed. The RE-10 district is intended for areas where public services are limited. Development in this zone must comply with Title 15 of this ~~code~~Code relative to fire safety standards.

17.29.020 Permitted uses. Within any residential estate, ten acre minimum (RE-10) district, the following uses are permitted unless otherwise provided in this ~~chapter~~Chapter:

- A. One primary single-family dwelling per parcel;
- B. General farming and ranching ~~that is not detrimental to neighboring properties;~~
- C. ~~Processing agricultural products primarily from the farm or ranch grown on the parcel~~ Agricultural processing facilities and activities for the agricultural product grown on the parcel and not to exceed 10% of the parcel size or two acres, whichever is less;
- ~~D.~~ Agricultural marketing facilities or activities;
- ~~DE.~~ 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 up to one thousand five hundred (1,500) square feet in area;
- ~~F.~~ Agricultural by-product processing facilities accessory to the agricultural operation on the property~~parcel;~~
- ~~G.~~ U-pick operations;
- ~~E.~~ Nurseries and greenhouses;
- ~~FH.~~ General recreational use ~~incidental~~ accessory to the primary use of the parcel;
- ~~I.~~ Growing and harvesting timber products;
- ~~GJ.~~ ~~Firehouses and police stations~~ Public safety facilities;
- ~~OK.~~ Small or large family day care home within a permitted or conditional use single-family dwelling, subject to the requirements of ~~section~~Section 17.52.160;
- ~~HL.~~ Residential care homes, transitional housing, supportive housing or nursery schools within a permitted single-family dwelling, for not more than eight persons;
- ~~IM.~~ Bed and breakfast establishments, within a permitted single-family dwelling, not to exceed six guest bedrooms ~~or less;~~
- ~~JN.~~ Animal hospitals, indoors;
- ~~O.~~ Private stables;
- ~~KP.~~ The erection, construction, alteration or maintenance of gas, water, sewer, electrical, communication or other ~~P~~ublic utility distribution facilities except as otherwise provided in this code~~Code~~;
- ~~LQ.~~ Prospecting;
- ~~M.~~ Cemeteries;
- ~~N.~~ ~~Wineries and related accessory uses and facilities for processing grapes or other fruits grown primarily on the same parcel as the winery is located;~~
- ~~R.~~ Educational workshops, craft demonstrations or demonstration gardens accessory to the primary agricultural use of the parcel;
- ~~S.~~ Seasonal activities including, but not limited to, crop mazes, pumpkin patches

- and berry harvests, accessory to the primary agricultural use of the property parcel;
- ~~PT.~~ Private garages accessory to a single-family dwelling, or one private garage, not to exceed ~~a building coverage of 25% of the parcel or~~ four thousand (4,000) square feet, ~~whichever is less,~~ as a primary use of the parcel;
- ~~QU.~~ Accessory uses and structures appurtenant to permitted uses.

17.29.030 Conditional uses. Within any residential estate, ten acre minimum (RE-10) district, the following uses are permitted subject to first securing a use permit:

- A. Sawmills for processing timber grown only on the same parcel ~~as where~~ the sawmill is located, for a period not to exceed sixty days;
- B. Commercial stables, and, riding clubs ~~and guest ranches~~ including, but not limited to, accessory shows and clinics;
- C. On and off-shore marina facilities;
- D. Tent revivals, circuses and carnivals;
- E. Development of mineral resources;
- ~~F.~~ Health care facilities;
- ~~GF.~~ Residential care homes, nursery schools and day care centers, other than family day care homes;
- ~~HG.~~ Animal hospitals, outdoors, veterinary clinics, kennels, or animal boarding facilities;
- ~~S.~~ I. Kennels;
- ~~JH.~~ Temporary sales offices for parcels and residences;
- ~~KI.~~ Commercial Refuse and sewage sludge disposal sites, and public water and sewer treatment plants;
- ~~J.~~ Commercial composting facilities;
- ~~LK.~~ Public utility uses;
- ~~L.~~ Commercial alternative energy generating facilities including, but not limited to, wind and solar power facilities;
- M. Airports and heliports;
- ~~N.~~ Christmas tree farms;
- ~~N.~~ Cemeteries;
- O. Mortuaries, funeral homes, mausoleums, columbaria and crematoria, when in conjunction with a cemetery;
- ~~O.~~ Cemeteries;
- P. Schools, ~~churches~~ places of worship, libraries, museums, art galleries, tourist information facilities;
- ~~Q.~~ Wineries and related accessory uses and facilities for processing grapes or other fruits not grown primarily on the same parcel as the winery is located;
- ~~R.~~ Wine marketing facilities;
- ~~Q.~~ Agricultural processing facilities and activities not for the agricultural product grown on the property parcel or which exceed 10% of the parcel size or two acres, whichever is less;
- ~~SR.~~ Roadside stand ~~and other marketing and sales facilities for agricultural products not produced primarily on the parcel~~ exceeding one- thousand five- hundred (1,500) square feet in area;
- ~~S.~~ Educational workshops, craft demonstrations and demonstration gardens not accessory to the primary agricultural use of the parcel;
- ~~T.~~ Commercial events pursuant to Section 17.52.220, such as lawn parties, weddings, or similar outdoor activities;

U. Petting zoo;
TV. Accessory uses and structures appurtenant to conditional uses.

17.29.040 Minimum parcel size. Within any residential estate, ten acre minimum (RE-10) district, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than ten gross acres in area. An existing parcel which does not meet the minimum parcel size regulation may be reconfigured to a resulting parcel which does not meet the minimum parcel size provided the reconfiguration does not result in a decrease in the size of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size requirement.

17.29.050 Building intensity. Within any residential estate, ten acre minimum (RE-10) district, the maximum residential building intensity shall be one (1) dwelling unit per ten (10) acres; however, additional units are possible 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, referred to as the floor area ratio (FAR), shall be 0.2.

Chapter 17.42

TIMBERLAND PRODUCTION DISTRICT, OR (TPZ) DISTRICT

17.42.010 Purpose. The timberland production (TPZ) district is for the protection of timberland and in order to prevent encroachment upon it by incompatible uses of land, and for the general welfare of the ~~county~~County as a whole. This zone is intended to qualify its land pursuant to Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976 or such other legislative statutes or constitutional authorization as may be developed for defining a timberland preserve. Development in this zone must comply with Title 15 of this ~~code~~Code relative to fire safety standards.

17.42.020 Permitted uses. Within any timberland production (TPZ) district, the following uses are permitted unless it is found that, in the specific instance, such a use would significantly detract from the use of the ~~property~~parcel for, or inhibit, growing and harvesting of timber:

- A. Christmas tree farms;
- B. A use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, and log storage areas;
- C. Management for watershed;
- D. Management for fish and wildlife habitat or hunting and fishing;
- E. Grazing;
- F. Prospecting;
- G. One single-family dwelling per parcel;
- H. Residential care homes, nursery schools and small family day care homes, within a permitted single-family dwelling, for not more than ~~six~~eight persons;
- I. Transitional housing or supportive housing within a permitted single-family dwelling;
- ~~J.~~ General farming and ranching incidental to the growing, harvesting and processing of forest products;
- ~~K.~~ Accessory uses and structures appurtenant to permitted uses.

17.42.030 Conditional uses. Within any timberland production (TPZ) district, the following uses are permitted subject to first securing a use permit if it is found that, in the specific instance, such a use would not significantly detract from the use of the ~~property~~parcel for, or inhibit, growing and harvesting of timber:

- A. Additional single-family dwellings, thirty-seven acres per unit maximum density;
- B. General farming and ranching;
- C. 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~~County;
- D. Roadside stand for the sale of 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~~County;
- E. Nurseries and greenhouses;
- F. Sawmills;
- G. Development of mineral resources;
- H. Public safety facilities;
- I. Bed and breakfast establishments, not to exceed six guest bedrooms or less, not to exceed the density standard shown in subsection A of this ~~section~~Section;

- J. General recreational use incidental to the primary use of the parcel;
- K. On and off-shore marina facilities;
- L. Health care facilities;
- M. ~~Commercial~~ Refuse and sewage sludge disposal sites and public water and sewer treatment plants;
- N. Airports and heliports;
- O. The erection, construction, alteration or maintenance of gas, electric, water or communication transmission facilities;
- P. Employee housing;
- Q. Tent revivals, circuses and carnivals;
- R. Accessory uses and structures appurtenant to conditional uses.

17.42.040 Rezoning land. Land may be rezoned as a timberland production (TPZ) district upon a finding that the criteria of Government Code Section 51113(c) have been met.

17.42.050 Additional regulations. The term of the TPZ district shall be as set forth in Government Code Section 51114.

17.42.060 Inclusion of additional lands. Additional lands may be zoned TPZ and added to an existing timberland preserve pursuant to Government Code Section 51113.5.

17.42.070 Minimum parcel size. Within any TPZ district, no ~~parcel~~ parcel of real property shall be divided or reconfigured where any parcel so created will be less than one hundred and sixty gross acres in area, except as provided by Government Code Section 51119.5. An existing parcel which does not meet the minimum parcel size regulation may be reconfigured to a resulting parcel which does not meet the minimum parcel size provided the reconfiguration does not result in a decrease in the size of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size requirement.

17.42.075 Building intensity. Within any timberland production (TPZ) district, the maximum residential building intensity shall be one (1) dwelling per thirty-seven (37) acres; however, additional units are possible 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, referred to as the floor area ratio (FAR), shall be 0.05.

17.42.080 Rezoning. Parcels zoned TPZ may be rezoned pursuant to Government Code Sections 51120 et seq., or 51130 et seq.

17.42.090 Minimum parcel size requirement. ~~Property-Parcels~~ of less than ~~one hundred and sixty thirty seven~~ one hundred and sixty acres shall not be zoned TPZ unless the property parcel adjoins either lands within an existing TPZ district or the Stanislaus National Forest.

Chapter 17.52

GENERAL PROVISIONS AND EXCEPTIONS

17.52.220 Commercial events on agricultural land

Commercial events are the use of land and/or facilities for meetings, gatherings and events, including, but not limited to, weddings, parties and similar uses, for which a fee is charged.

- A. An annual ministerial permit may be acquired from the County to allow Up to 40 commercial events may to be held per calendar year for up to 300 guests on a parcel zoned AE-37, AE-80 or AE-160 subject to the standards in paragraph subsection C. **EIR Mitigation Measure 3.16-3**
- B. An annual ministerial permit may be acquired from the County to allow Up to two commercial events may to be held per calendar year for up to 500 guests on a parcel zoned AE-37, AE-80 or AE-160 subject to the standards in paragraph subsection C. **EIR Mitigation Measure 3.16-3**
- C. Standards for commercial events:
 - 1. The event venue shall be located on a parcel that complies with the cul-de-sac road standards specified in Section 11.12.040 of this code.
 - 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.
 - 3. The event parking areas shall be located at least 20 feet from the boundary of any parcel zoned R or RE.
 - 4. Prior to issuance of the annual special event permit, a traffic management plan (TMP) shall be submitted and approved by the Community Resources Agency for events exceeding 100 guests. The TMP shall be prepared by a qualified transportation engineer/consultant and shall include appropriate techniques to provide safe ingress and egress from event facilities without resulting in substantial congestion of roadways, or otherwise cause traffic-related hazards. Such techniques may include (but may not be limited to):
 - a. Temporary caution and directional signage;
 - b. Clearly defined points of ingress/egress;
 - c. Cones or other clear markers placed to help direct vehicle flow define parking areas and driveways; and
 - d. Flag persons to help direct vehicle flow and minimize congestion.**EIR Mitigation Measure 3.16-3**
 - 5. 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.

65. Noise generated by the event shall not exceed a noise level of 60 dB Leq (1 hour) from 10:00 a.m. to 7:00 p.m. or 50 dB Leq (1 hour) from 7:00 p.m. to 2:00 a.m. as measured at a residence on any adjacent parcel.
76. At least one drinking fountain or equivalent arrangement for potable water shall be provided at no cost to guests. If more than 100 guests are in attendance, two drinking fountains or equivalent arrangement shall be provided.
87. At least one water closet and one urinal shall be provided for every 200 males or portion thereof in attendance at the event and one water closet shall be provided for every 100 females or portion thereof in attendance. For events with 50 or fewer guests in attendance, at least one water closet shall be provided.
98. 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.
109. 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. An encroachment permit shall be obtained prior to placing signage within a County road right-of-way.
110. 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.
124. A building permit shall be secured prior to erecting a temporary tent or a temporary stage.
132. Temporary power cords shall not be affixed to structures, extended through walls, or subjected to environmental or physical damage. Cords shall be secured to prevent tripping hazards. Large diameter cords shall be provided with cord bridges or ramps to facilitate the crossing of wheel chairs, strollers and similar wheeled equipment.
143. If a commercial event utilizes a tent or membrane structure, the placement, construction and use of that structure shall adhere to all applicable provisions of the California Fire Code, California Building Code and this Code.
154. Receptacles for refuse and recyclable materials shall be provided for each event. All refuse and recyclables shall be collected the day

following the event and shall be removed from the parcel within seven days following conclusion of the event.

165. If food will be served, the event shall comply with the California Retail Food Code.

176. If alcohol will be served, the event shall comply with the Alcoholic Beverage Control Act.

D. A uUse pPermit shall be obtained prior to holding a commercial event in the AE-37, AE-80 or AE-160 district that exceeds the number of events or is not in compliance with the standards contained in ~~paragraphs~~ subsections A through C of this Section.

E. Up to 15 commercial events may be held per calendar year for up to 100 persons in the A-20 district subject to the standards contained in ~~paragraph~~ subsection C of this ~~section~~Section. A Uuse pPermit shall be obtained prior to holding a commercial event in the A-20 district for more than 100 persons, not in compliance with the standards of ~~paragraph~~ subsection C of this Section or holding more than 15 commercial events in a calendar year.

F. A uUse pPermit shall be obtained prior to holding any commercial event in the A-10, RE-5 or RE-10 districts.

8/9/18
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Amendments GPU.doc

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF TUOLUMNE COUNTY
REVISING TITLE 17 OF THE TUOLUMNE COUNTY ORDINANCE CODE TO
EXPAND THE RANGE OF ECONOMIC ACTIVITIES ALLOWED ON AGRICULTURAL
LAND AND AGRITOURISM ACTIVITIES ON NONAGRICULTURAL LAND**

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The Board of Supervisors of the County of Tuolumne ordains as follows:

SECTION 1: Section 17.04.031 is added to the Tuolumne County Ordinance Code to read as follows:

17.04.031 Agricultural by-product processing facility. “Agricultural by-product processing facility” means a facility for processing by-products from the growing, raising, harvesting or processing of agricultural products, for example composting facilities.

SECTION 2: Section 17.04.033 is added to the Tuolumne County Ordinance Code to read as follows:

17.04.033 Agricultural hospitality facility. “Agricultural hospitality facility” means a facility that provides rest, relaxation or food to travelers or local residents for compensation and is located on a parcel that supports an agricultural use, including but not limited to transient lodging facilities and restaurants.

SECTION 3: Section 17.04.035 of the Tuolumne County Ordinance Code amended to read as follows:

17.04.035 Agricultural laborer housing. “Agricultural laborer housing” means temporary or permanent accommodations for employees engaged in agricultural operations on a working farm or ranch. The employees must obtain the majority of their compensation from the farm or ranch on which they reside during the time they reside there. Accommodations shall include any living quarters as provided in the Health and Safety Code. Agricultural laborer housing on Williamson Act contract land is subject to recommendation by the Agricultural Advisory Committee and approval by the Board of Supervisors.

SECTION 4: Section 17.04.037 is added to the Tuolumne County Ordinance Code to read as follows:

17.04.037 Agricultural marketing. “Agricultural marketing” means a facility or activity that promotes the sale of agricultural products grown, processed or produced on the farm or ranch where the facility or activity is located, including but not limited to tasting rooms, accessory gift shops, retail sales of the agricultural products, retail sales of other agricultural products produced in Tuolumne County, accessory retail sales of food products not produced on the farm or ranch for on-site consumption, and farm or ranch tours.

SECTION 5: Section 17.04.040 of the Tuolumne County Ordinance Code amended to read as follows:

17.04.040 Agricultural processing facility. “Agricultural processing facility” means a facility for the preparation, processing, packing, canning or otherwise preparing agricultural products for sale or distribution. Agricultural processing facility includes water systems, on-site wastewater treatment and disposal systems, and other services related to the processing of the agricultural product.

SECTION 6: Section 17.04.050 of the Tuolumne County Ordinance Code amended to read as follows:

17.04.050 Agricultural products. “Agricultural products” are commodities resulting from the practice of agriculture and value added products as a result of processing agricultural commodities.

SECTION 7: Section 17.04.055 is added to the Tuolumne County Ordinance Code to read as follows:

17.04.055 Agricultural support services. “Agricultural support services” are land uses which support local agricultural land uses through providing services or supplies necessary to the operation of an agricultural land use.

SECTION 8: Section 17.04.060 of the Tuolumne County Ordinance Code amended to read as follows:

17.04.060 Agriculture. “Agriculture” means the use of land for the production of food, feed, fiber, nursery and apiary commodities, and their necessary accessory uses.

SECTION 9: Section 17.04.073 is added to the Tuolumne County Ordinance Code to read as follows:

17.04.073 Animal processing facility. “Animal processing facility” means a facility where

animals are killed and/or their carcasses are cut and wrapped for consumption as food products. "Animal processing facility" does not include the onsite slaughtering of animals raised by the owner or tenant.

SECTION 10: Section 17.04.099 of the Tuolumne County Ordinance Code is amended to read as follows:

17.04.099 Auction yard. "Auction yard" means a yard, pen, corral, building or premise permanently devoted to assembling livestock for sale, resale, exchange or transfer, the primary purpose of which is to facilitate transfer of ownership of the livestock. "Auction yard" does not include a yard, pen, corral, building or premise on a farm or ranch used to sell livestock.

SECTION 11: Section 17.04.100 of the Tuolumne County Ordinance Code is amended to read as follows:

17.04.100 Banner. "Banner" means any sign printed on cloth, paper, plastic or other similar material, that is not permanently attached to a building or structure for the purpose of advertising, announcing, declaring, demonstrating, displaying or attracting the attention of the public, excluding official notices issued by a court or public officer.

SECTION 12: Section 17.04.101 is added to the Tuolumne County Ordinance Code to read as follows:

17.04.101 Bed and breakfast. "Bed and breakfast" means a dwelling unit which provides lodging and breakfast for temporary overnight occupants for compensation.

SECTION 13: Section 17.04.103 is added to the Tuolumne County Ordinance Code to read as follows:

17.04.103 Board. "Board" means the Board of Supervisors of the County.

SECTION 14: Section 17.04.322 is added to the Tuolumne County Ordinance Code to read as follows:

17.04.322 Family day care home. "Family day care home" means a home which regularly provides care, protection, and supervision of children, under 18 years of age, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, and includes the following:

- A. "Large family day care home" means a home which regularly provides day care to 7 to 12 children, inclusive, including children under the age of 10 years who reside at the home. A large family day care home may provide day care for more than 12 and up to 14 children if the criteria in Section 1597.465 of the Health and Safety Code are met.

B. "Small family day care home" means a home which provides family care to 6 or fewer children, including children under the age of 10 years who reside at the home. A small family day care home may provide day care for more than 6 and to up to 8 children if the criteria in Section 1597.44 of the Health and Safety Code are met.

SECTION 15: Section 17.04.324 is added to the Tuolumne County Ordinance Code to read as follows:

17.04.324 Farmers market. "Farmers market" means a location where farmers may transport and sell to the public agricultural products that they produced. A certified farmers market is a farmers market that is approved by the Tuolumne County Agricultural Commissioner, is operated in accordance with regulations contained in the Food and Agricultural Code and where the agricultural products sold are exempt from the established grade, size, labeling, packaging and other such requirements for fruits, nuts and vegetables.

SECTION 16: Section 17.04.325 of the Tuolumne County Ordinance Code is amended to read as follows:

17.04.325 Farm or ranch tour. "Farm or ranch tour" means a visit to a farm or ranch, whether guided or not.

SECTION 17: Section 17.04.326 is added to the Tuolumne County Ordinance Code to read as follows:

17.04.326 Farm stay. "Farm stay" means a farm or ranch which produces agricultural products as its primary source of income and which provides overnight transient accommodations as an accessory use to the commercial agricultural use so that members of the public may experience a rural lifestyle. Food service is limited to registered guests with the price of food included in the price of the overnight transient occupancy accommodation. The establishment can have no more than six guest bedrooms.

SECTION 18: Section 17.04.330 of the Tuolumne County Ordinance Code amended to read as follows:

17.04.330 Feed yard. "Feed yard" means a confined area wherein large numbers of livestock are kept with limited space per animal, to prepare such for market, where sixty percent or more of the feed for such animals is not from grazing. Feed yard includes feed lot. "Feed yard" does not include a yard, pen, corral, building or premise on a farm or ranch used to sell livestock.

SECTION 19: Section 17.04.375 is added to the Tuolumne County Ordinance Code to read as follows:

17.04.375 General farming and ranching. “General farming and ranching” means growing, cultivating, raising, breeding, or producing plants or animals for commercial or domestic purposes, including but not limited to, livestock, dairy, furbearing animals, poultry, aquaculture, apiculture, grains, herbs, vegetables, fruit, horticultural plants, and Christmas trees, and the accessory structures related to these activities, such as barns and greenhouses. “General farming and ranching” includes agriculture and agricultural production but does not include landscaping, gardens, or pets that are accessory to a residential use.

SECTION 20: Section 17.04.400 of the Tuolumne County Ordinance Code amended to read as follows:

17.04.400 Guest ranch. “Guest ranch” means a farm or ranch where the primary use is a commercial agricultural operation and where members of the public may stay for compensation to experience a rural lifestyle as an accessory use to the commercial agricultural use and where guest facilities, including but not limited to the lodge, bunkhouse or cottages, recreational activities, food and beverage service, and entertainment, are limited to use or consumption by registered overnight guests of the guest ranch.

SECTION 21: Section 17.04.505 of the Tuolumne County Ordinance Code amended to read as follows:

17.04.505 Mineral resources. “Mineral resources” means:

- A. Small Scale Development. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than one thousand cubic yards and that disturbs one acre or less;
- B. Large Scale Development. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of one thousand cubic yards or greater, or that disturbs more than one acre.

SECTION 22: Section 17.04.606 is added to the Tuolumne County Ordinance Code to read as follows:

17.04.606 Petting zoo. “Petting zoo” means raising and maintaining a variety of domestic animals, as defined by Section 6.04.020 of this Code, for purposes of both exhibition to the public and direct contact by the public.

SECTION 23: Section 17.04.685 is added to the Tuolumne County Ordinance Code to read as follows:

17.04.685 Rendering plant. “Rendering plant” means a processing facility where dead animals, except those raised on the farm or ranch, or their parts are recycled into products for beneficial purposes.

SECTION 24: Section 17.04.705 of the Tuolumne County Ordinance Code amended to read as follows:

17.04.705 Roadside stand. “Roadside stand” means a structure located on a farm or ranch and used or intended to be used by the owner or tenant of the farm or ranch for the sale of agricultural products grown or raised in Tuolumne County and adjacent counties.

SECTION 25: Section 17.04.770 of the Tuolumne County Ordinance Code amended to read as follows:

17.04.770 Stable, commercial. “Commercial stable” means a building or enclosed area where horses are offered for rent or boarded for compensation.

SECTION 26: Section 17.04.780 of the Tuolumne County Ordinance Code amended to read as follows:

17.04.780 Stable, private. “Private stable” means a building or enclosed area intended for occupancy by horses or similar animals for the exclusive use of the owner or tenant of the premises and their guests.

SECTION 27: Section 17.04.790 of the Tuolumne County Ordinance Code amended to read as follows:

17.04.790 Stockyard. “Stockyard” means a fenced area permanently devoted to keeping a large number of livestock for brief periods with limited space per animal that is managed or operated as a public market for livestock producers and buyers. “Stockyard” does not include a yard, pen, corral, building or premise on a farm or ranch used to sell livestock.

SECTION 28: Section 17.04.823 of the Tuolumne County Ordinance Code amended to read as follows:

17.04.823 Timber harvesting, commercial. “Commercial timber harvesting” means the cutting or removal of timber for the purposes of sale for profit for wood product purposes, such as lumber or fire wood. Commercial timber harvest does not include the cutting or removal of timber for personal use of the wood by the property owner or for other non-commercial purposes.

SECTION 29: Section 17.04.838 is added to the Tuolumne County Ordinance Code to read as follows:

17.04.838 U-Pick operations. “U-Pick operations” means a farm where members of the public can harvest and pay for their produce.

SECTION 30: Section 17.04.850 of the Tuolumne County Ordinance Code amended to read as follows:

17.04.850 Use, accessory. “Accessory use” means a secondary or subordinate use related to and on the same parcel or parcels of land as the principal use and conducted so as to not significantly change the character, appearance or operation of the principal use.

SECTION 31: Section 17.04.870 of the Tuolumne County Ordinance Code amended to read as follows:

17.04.870 Use, principal. “Principal use” means the predominant purpose for which land or premises or a structure thereon is designated, arranged, or intended, or for which it is or may be occupied or maintained.

SECTION 32: Section 17.04.923 of the Tuolumne County Ordinance Code is repealed.

SECTION 33: Section 17.04.925 of the Tuolumne County Ordinance Code is repealed.

SECTION 34: Section 17.06.010 of the Tuolumne County Ordinance Code amended to read as follows:

17.06.010 Establishment and designation of districts. The various zoning districts established and into which the County shall be divided are designated as follows:

- A. AE-160 exclusive agricultural district, one hundred sixty acre minimum;
- B. AE-80 exclusive agricultural district, eighty acre minimum;
- C. AE-37 exclusive agricultural district, thirty-seven acre minimum;
- D. A-20 general agricultural district, twenty acre minimum;
- E. A-10 general agricultural district, ten acre minimum;
- F. O open space district;
- G. O-1 open space-1 district;
- H. K general recreational district;
- I. R-1 single-family residential district;
- J. R-2 medium density residential district;
- K. R-3 multiple-family residential district;
- L. RE-1 residential estate, one acre minimum district;
- M. RE-2 residential estate, two acre minimum district;

- N. RE-3 residential estate, three acre minimum district;
- O. RE-5 residential estate, five acre minimum district;
- P. RE-10 residential estate, ten acre minimum district;
- Q. MU mixed use district;
- R. C-K commercial recreational district;
- S. C-O neighborhood commercial district;
- T. C-1 general commercial district;
- U. C-2 heavy commercial district;
- V. C-S special commercial district;
- W. BP business park district;
- X. M-1 light industrial district;
- Y. M-2 heavy industrial district;
- Z. P public district;
- AA. TPZ timberland production district;
- BB. MPZ mineral preserve district;
- CC. H historic combining district;
- DD. D design review combining district;
- EE. MX mobilehome exclusion combining district;
- FF. PD planned unit development combining district;
- GG. AP agricultural preserve combining district;
- HH. HDP historic design preservation combining district;
- II. AIR airport combining district.

SECTION 35: Chapter 17.07 is added to the Tuolumne County Ordinance Code to read as follows:

Chapter 17.07

EXCLUSIVE AGRICULTURAL DISTRICT, ONE HUNDRED SIXTY ACRE MINIMUM OR (AE-160) DISTRICT

Sections:

- 17.07.010 Purpose.**
- 17.07.020 Permitted uses.**
- 17.07.030 Conditional uses.**
- 17.07.040 Minimum parcel size.**
- 17.07.045 Agricultural laborer housing.**
- 17.07.050 Building intensity.**

17.07.010 Purpose. The purpose of the exclusive agricultural, one hundred sixty acre minimum (AE-160) district is to provide for agricultural and resource production where commercial agricultural uses can exist without encroachment of incompatible uses and provide for the preservation and conservation of working landscapes and open space. Development in this zone must comply with Title 15 of this Code relative to fire safety

standards.

17.07.020 Permitted uses. Within any exclusive agricultural, one hundred sixty acre minimum (AE-160) district, the following uses are permitted unless otherwise provided in this Chapter:

- A. One single-family dwelling per parcel;
- B. One additional single-family dwelling when the parcel is one hundred sixty acres or larger;
- C. One guesthouse per parcel;
- D. Agricultural laborer housing;
- E. General farming and ranching, including uses and land management activities authorized or required by an agricultural production management plan approved by the Board of Supervisors for land within an agricultural preserve in accordance with Tuolumne County Resolution 106-04, that are not listed as conditional uses;
- F. Agricultural processing facilities and activities related to the agricultural product grown on the parcel and not to exceed 10% of the parcel size or 10 acres, whichever is less;
- G. Agricultural marketing facilities or activities;
- H. Agricultural by-product processing facilities accessory to the agricultural operation on the parcel, including commercial composting facilities;
- I. U-pick operations;
- J. Growing and harvesting timber products;
- K. Sawmills for processing timber grown primarily on the same parcel where the sawmill is located and other parcels under the same ownership;
- L. Commercial stables, up to 20 stalls, and riding clubs including, but not limited to, accessory shows and clinics;
- M. Bed and breakfast establishments, within a permitted single-family dwelling, not to exceed six guest bedrooms;
- N. Farm stay, not to exceed six guest bedrooms;
- O. Guest ranch, not to exceed six guest bedrooms or accommodations for 20 persons, whichever is less;
- P. Public safety facilities;
- Q. Residential care homes, transitional housing, supportive housing or nursery schools, within a permitted single-family dwelling, for not more than eight persons;
- R. 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;
- S. Small scale development of mineral resources, provided surface development does not occur within two hundred feet of any exterior property line;
- T. Prospecting;
- U. Recreational uses without buildings, accessory to a primary agricultural use including, but not limited to, hiking, non-motorized biking, hunting, fishing, boating, swimming, horseback riding, wagon rides, picnicking, cattle drives and nature walks;

- V. The erection, construction, alteration, or maintenance of gas, water, sewer, electrical, communication or other public utility distribution facilities except as otherwise provided in this Code;
- W. Storage of petroleum products for use in conjunction with the primary agricultural use of the parcel;
- X. Private airstrips and private heliports;
- Y. Educational workshops, craft demonstrations, or demonstration gardens accessory to the primary agricultural use of the parcel;
- Z. Commercial events subject to the requirements of Section 17.52.220;
- AA. Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests accessory to the primary agricultural use of the parcel;
- BB. Petting zoo accessory to the primary agricultural use of the parcel;
- CC. Private garages accessory to a single-family dwelling, or one private garage, not to exceed four thousand (4,000) square feet, as a primary use of the parcel;
- DD. Open space, including uses and land management activities authorized or required by a wildlife habitat management plan, submerged area plan, recreation master plan, scenic corridor management plan, or other plan for open space use approved by the Board of Supervisors for land within an agricultural preserve in accordance with Tuolumne County Resolution 106-04, that are not listed as conditional uses;
- EE. Roadside stand up to one thousand five hundred (1,500) square feet in area;
- FF. Energy generating facilities accessory to the primary agricultural use on the farm or ranch;
- GG. Reservoirs for storage of water by a public utility;
- HH. Accessory uses and structures appurtenant to permitted uses.

17.07.030 Conditional uses. Within any exclusive agricultural, one hundred sixty acre minimum (AE-160) district, the following uses are permitted subject to first securing a use permit. Conditional uses cannot be substantially detrimental to surrounding agricultural operations, the primary agricultural use of the parcel or to neighboring parcels.

- A. Additional single-family dwellings, one hundred sixty (160) acres per unit maximum density;
- B. Agricultural support services;
- C. Agricultural processing facilities and activities for products not related to the agricultural product grown on the parcel or which exceed 10% of the parcel size or 10 acres, whichever is less;
- D. Roadside stand exceeding one thousand five hundred (1,500) square feet in area;
- E. Agricultural by-product processing facilities not accessory to the agricultural operation on the parcel, including commercial composting facilities;
- F. Livestock feed yards, stockyards, auction yards, animal processing facilities, or rendering plants;
- G. Animal hospitals, veterinary clinics, kennels, or animal boarding facilities;
- H. Agricultural hospitality facilities;
- I. Large scale development of mineral resources or surface development of mineral

- resources within two hundred feet of any property line;
- J. Sawmills for processing timber other than that grown primarily on the same parcel where the sawmill is located and other parcels under the same ownership;
 - K. Day care centers other than family day care homes;
 - L. Schools;
 - M. Places of worship;
 - N. Cemeteries;
 - O. Mausoleums, columbaria and crematoria when in conjunction with a cemetery;
 - P. Recreational buildings and developments including, but not limited to, organized camps, campgrounds, recreational vehicle parks and picnic facilities;
 - Q. Commercial shooting/archery ranges and trap shooting;
 - R. Off-road vehicle courses and trails;
 - S. On and off-shore marina facilities;
 - T. Tent revivals, circuses and carnivals;
 - U. Museums;
 - V. Commercial refuse and sewage sludge disposal sites and public water and sewer treatment plants;
 - W. Public utility uses;
 - X. Commercial alternative energy generating facilities, including, but not limited to, wind and solar power facilities;
 - Y. Airports and heliports;
 - Z. Educational workshops, craft demonstrations and demonstration gardens not accessory to the primary agricultural use of the parcel;
 - AA. Commercial events not in compliance with the requirements of Section 17.52.220;
 - BB. Zoo or exotic animal park;
 - CC. Farmers markets;
 - DD. Commercial stables with more than 20 stalls;
 - EE. Guest ranch exceeding six guest bedrooms or accommodations for 20 persons, whichever is less;
 - FF. Accessory uses and structures appurtenant to conditional uses.

17.07.040 Minimum parcel size. Within any exclusive agricultural, one hundred sixty acre minimum (AE-160) district, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than one hundred sixty gross acres in area or will have an area to perimeter ratio of less than 210, as calculated or confirmed by the County Surveyor. An existing parcel which does not meet the minimum parcel or area to perimeter ratio regulations may be reconfigured to a resulting parcel which does not meet the minimum parcel size or area to perimeter ratio provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the area to perimeter ratio of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and the area to perimeter ratio requirements.

17.07.045 Agricultural laborer housing. Notwithstanding Section 17.07.040, a parcel of real property within an agricultural preserve may be divided to create a parcel of less than

or equal to five (5) acres for sale or lease for agricultural laborer housing as provided in Section 51230.2 of the California Government Code.

17.07.050 Building intensity. Within any exclusive agricultural, one hundred sixty acre minimum (AE-160) district, the maximum building intensity shall be two (2) dwellings per one hundred sixty (160) acres; however, additional units are possible for agricultural laborer housing in accordance with state law or through a density bonus for the provision of affordable housing in accordance with the California Government Code. The maximum ratio of the coverage of all buildings on a parcel, referred to as the floor area ratio (FAR), shall be 0.1.

SECTION 36: Chapter 17.08 of the Tuolumne County Ordinance Code is amended to read as follows:

Chapter 17.08

EXCLUSIVE AGRICULTURAL DISTRICT, EIGHTY ACRE MINIMUM OR (AE-80) DISTRICT

Sections:

- 17.08.010 Purpose.**
- 17.08.020 Permitted uses.**
- 17.08.030 Conditional uses.**
- 17.08.040 Minimum parcel size.**
- 17.08.045 Agricultural laborer housing.**
- 17.08.050 Building intensity.**

17.08.010 Purpose. The purpose of the exclusive agricultural, eighty acre minimum (AE-80) district is to provide for agricultural and resource production where commercial agricultural uses can exist without encroachment of incompatible uses and provide for the preservation and conservation of working landscapes and open space. Development in this zone must comply with Title 15 of this Code relative to fire safety standards.

17.08.020 Permitted uses. Within any exclusive agricultural, eighty acre minimum (AE-80) district, the following uses are permitted unless otherwise provided in this Chapter:

- A. One single-family dwelling per parcel;
- B. One additional single-family dwelling when the parcel is eighty acres or larger;
- C. One guesthouse per parcel;
- D. Agricultural laborer housing;
- E. General farming and ranching, including uses and land management activities authorized or required by an agricultural production management plan approved by the Board of Supervisors for land within an agricultural preserve in accordance with Tuolumne County Resolution 106-04, that are not listed as conditional uses;

- F. Agricultural processing facilities and activities related to the agricultural product grown on the parcel and not to exceed 10% of the parcel size or 10 acres, whichever is less;
- G. Agricultural marketing facilities or activities;
- H. Agricultural by-product processing facilities accessory to the agricultural operation on the parcel, including commercial composting facilities;
- I. U-pick operations;
- J. Growing and harvesting timber products;
- K. Sawmills for processing timber grown primarily on the same parcel where the sawmill is located and other parcels under the same ownership;
- L. Commercial stables, up to 20 stalls, and riding clubs including, but not limited to, accessory shows and clinics;
- M. Bed and breakfast establishments, within a permitted single-family dwelling, not to exceed six guest bedrooms;
- N. Farm stay, not to exceed six guest bedrooms;
- O. Guest ranch, not to exceed six guest bedrooms or accommodations for 20 persons, whichever is less;
- P. Public safety facilities;
- Q. Residential care homes, transitional housing, supportive housing or nursery schools, within a permitted single-family dwelling, for not more than eight persons;
- R. 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;
- S. Small scale development of mineral resources, provided surface development does not occur within two hundred feet of any exterior property line;
- T. Prospecting;
- U. Recreational uses without buildings, accessory to a primary agricultural use including, but not limited to, hiking, non-motorized biking, hunting, fishing, boating, swimming, horseback riding, wagon rides, picnicking, cattle drives and nature walks;
- V. The erection, construction, alteration, or maintenance of gas, water, sewer, electrical, communication or other public utility distribution facilities except as otherwise provided in this Code;
- W. Storage of petroleum products for use in conjunction with the primary agricultural use of the parcel;
- X. Private airstrips and private heliports;
- Y. Educational workshops, craft demonstrations, or demonstration gardens accessory to the primary agricultural use of the parcel;
- Z. Commercial events subject to the requirements of Section 17.52.220;
- AA. Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests accessory to the primary agricultural use of the parcel;
- BB. Petting zoo accessory to the primary agricultural use of the parcel;
- CC. Private garages accessory to a single-family dwelling, or one private garage, not to exceed four thousand (4,000) square feet, as a primary use of the parcel;
- DD. Open space, including uses and land management activities authorized or required by a wildlife habitat management plan, submerged area plan, recreation master

- plan, scenic corridor management plan, or other plan for open space use approved by the Board of Supervisors for land within an agricultural preserve in accordance with Tuolumne County Resolution 106-04, that are not listed as conditional uses;
- EE. Roadside stand up to one thousand five hundred (1,500) square feet in area;
 - FF. Energy generating facilities accessory to the primary agricultural use on the farm or ranch;
 - GG. Reservoirs for storage of water by a public utility;
 - HH. Accessory uses and structures appurtenant to permitted uses.

17.08.030 Conditional uses. Within any exclusive agricultural, eighty acre minimum (AE-80) district, the following uses are permitted subject to first securing a use permit. Conditional uses cannot be substantially detrimental to surrounding agricultural operations, the primary agricultural use of the parcel or to neighboring parcels.

- A. Additional single-family dwellings, eighty (80) acres per unit maximum density;
- B. Agricultural support services;
- C. Agricultural processing facilities and activities for products not related to the agricultural product grown on the parcel or which exceed 10% of the parcel size or 10 acres, whichever is less;
- D. Roadside stand exceeding one thousand five hundred (1,500) square feet in area;
- E. Agricultural by-product processing facilities not accessory to the agricultural operation on the parcel, including commercial composting facilities;
- F. Livestock feed yards, stockyards, auction yards, animal processing facilities, or rendering plants;
- G. Animal hospitals, veterinary clinics, kennels, or animal boarding facilities;
- H. Agricultural hospitality facilities;
- I. Large scale development of mineral resources or surface development of mineral resources within two hundred feet of any exterior property line;
- J. Sawmills for processing timber other than that grown primarily on the same parcel where the sawmill is located and other parcels under the same ownership;
- K. Day care centers other than family day care homes;
- L. Schools;
- M. Places of worship;
- N. Cemeteries;
- O. Mausoleums, columbaria and crematoria when in conjunction with a cemetery;
- P. Recreational buildings and developments including, but not limited to, organized camps, campgrounds, recreational vehicle parks and picnic facilities;
- Q. Commercial shooting/archery ranges and trap shooting;
- R. Off-road vehicle courses and trails;
- S. On and off-shore marina facilities;
- T. Tent revivals, circuses and carnivals;
- U. Museums;
- V. Commercial refuse and sewage sludge disposal sites and public water and sewer treatment plants;

- W. Public utility uses;
- X. Commercial alternative energy generating facilities, including, but not limited to, wind and solar power facilities;
- Y. Airports and heliports;
- Z. Educational workshops, craft demonstrations and demonstration gardens not accessory to the primary agricultural use of the parcel;
- AA. Commercial events not in compliance with the requirements of Section 17.52.220;
- BB. Zoo or exotic animal park;
- CC. Farmers markets;
- DD. Commercial stables with more than 20 stalls;
- EE. Guest ranch exceeding six guest bedrooms or accommodations for 20 persons, whichever is less;
- FF. Accessory uses and structures appurtenant to conditional uses.

17.08.040 Minimum parcel size. Within any exclusive agricultural, eighty acre minimum (AE-80) district, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than eighty gross acres in area or will have an area to perimeter ratio of less than 210, as calculated or confirmed by the County Surveyor. An existing parcel which does not meet the minimum parcel or area to perimeter ratio regulations may be reconfigured to a resulting parcel which does not meet the minimum parcel size or area to perimeter ratio provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the area to perimeter ratio of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and the area to perimeter ratio requirements.

17.08.045 Agricultural laborer housing. Notwithstanding Section 17.08.040, a parcel of real property within an agricultural preserve may be divided to create a parcel of less than or equal to five (5) acres for sale or lease for agricultural laborer housing as provided in Section 51230.2 of the California Government Code.

17.08.050 Building intensity. Within any exclusive agricultural, eighty acre minimum (AE-80) district, the maximum building intensity shall be two (2) dwellings per eighty (80) acres; however, additional units are possible for agricultural laborer housing in accordance with state law or through a density bonus for the provision of affordable housing in accordance with the California Government Code. The maximum ratio of the coverage of all buildings on a parcel, referred to as the floor area ratio (FAR), shall be 0.1.

SECTION 37: Chapter 17.09 is added to the Tuolumne County Ordinance Code to read as follows:

Chapter 17.09

EXCLUSIVE AGRICULTURAL DISTRICT, THIRTY-SEVEN ACRE MINIMUM

OR (AE-37) DISTRICT

Sections:

- 17.09.010 Purpose.**
- 17.09.020 Permitted uses.**
- 17.09.030 Conditional uses.**
- 17.09.040 Minimum parcel size.**
- 17.09.045 Agricultural laborer housing.**
- 17.09.050 Building intensity.**

17.09.010 Purpose. The purpose of the exclusive agricultural, thirty-seven acre minimum (AE-37) district is to provide for agricultural and resource production where commercial agricultural uses can exist without encroachment of incompatible uses and provide for the preservation and conservation of working landscapes and open space. Development in this zone must comply with Title 15 of this Code relative to fire safety standards.

17.09.020 Permitted uses. Within any exclusive agricultural, thirty-seven acre minimum (AE-37) district, the following uses are permitted unless otherwise provided in this Chapter:

- A. One single-family dwelling per parcel;
- B. One additional single-family dwelling when the parcel is thirty-seven acres or larger;
- C. One guesthouse per parcel;
- D. Agricultural laborer housing;
- E. General farming and ranching, including uses and land management activities authorized or required by an agricultural production management plan approved by the Board of Supervisors for land within an agricultural preserve in accordance with Tuolumne County Resolution 106-04, that are not listed as conditional uses;
- F. Agricultural processing facilities and activities related to the agricultural product grown on the parcel and not to exceed 10% of the parcel size or 10 acres, whichever is less;
- G. Agricultural marketing facilities or activities;
- H. Agricultural by-product processing facilities accessory to the agricultural operation on the parcel, including commercial composting facilities;
- I. U-pick operations;
- J. Growing and harvesting timber products;
- K. Sawmills for processing timber grown primarily on the same parcel where the sawmill is located and other parcels under the same ownership;
- L. Commercial stables, up to 20 stalls, and riding clubs including, but not limited to, accessory shows and clinics;
- M. Bed and breakfast establishments, within a permitted single-family dwelling, not to exceed six guest bedrooms;
- N. Farm stay, not to exceed six guest bedrooms;
- O. Guest ranch, not to exceed six guest bedrooms or accommodations for 20 persons, whichever is less;

- P. Public safety facilities;
- Q. Residential care homes, transitional housing, supportive housing or nursery schools, within a permitted single-family dwelling, for not more than eight persons;
- R. 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;
- S. Small scale development of mineral resources, provided surface development does not occur within two hundred feet of any exterior property line;
- T. Prospecting;
- U. Recreational uses without buildings, accessory to a primary agricultural use including, but not limited to, hiking, non-motorized biking, hunting, fishing, boating, swimming, horseback riding, wagon rides, picnicking, cattle drives and nature walks;
- V. The erection, construction, alteration, or maintenance of gas, water, sewer, electrical, communication or other public utility distribution facilities except as otherwise provided in this Code;
- W. Storage of petroleum products for use in conjunction with the primary agricultural use of the parcel;
- X. Private airstrips and private heliports;
- Y. Educational workshops, craft demonstrations, or demonstration gardens accessory to the primary agricultural use of the parcel;
- Z. Commercial events subject to the requirements of Section 17.52.220;
- AA. Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests accessory to the primary agricultural use of the parcel;
- BB. Petting zoo accessory to the primary agricultural use of the parcel;
- CC. Private garages accessory to a single-family dwelling, or one private garage, not to exceed four thousand (4,000) square feet, as a primary use of the parcel;
- DD. Open space, including uses and land management activities authorized or required by a wildlife habitat management plan, submerged area plan, recreation master plan, scenic corridor management plan, or other plan for open space use approved by the Board of Supervisors for land within an agricultural preserve in accordance with Tuolumne County Resolution 106-04, that are not listed as conditional uses;
- EE. Roadside stand up to one thousand five hundred (1,500) square feet in area;
- FF. Energy generating facilities accessory to the primary agricultural use on the farm or ranch;
- GG. Reservoirs for storage of water by a public utility;
- HH. Accessory uses and structures appurtenant to permitted uses.

17.09.030 Conditional uses. Within any exclusive agricultural, thirty-seven acre minimum (AE-37) district, the following uses are permitted subject to first securing a use permit. Conditional uses cannot be substantially detrimental to surrounding agricultural operations, the primary agricultural use of the parcel or to neighboring parcels.

- A. Additional single-family dwellings, thirty-seven acres per unit maximum density;
- B. Agricultural support services;

- C. Agricultural processing facilities and activities for products not related to the agricultural product grown on the parcel or which exceed 10% of the parcel size or 10 acres, whichever is less;
- D. Roadside stand exceeding one thousand five hundred (1,500) square feet in area;
- E. Agricultural by-product processing facilities not accessory to the agricultural operation on the parcel, including commercial composting facilities;
- F. Livestock feed yards, stockyards, auction yards, animal processing facilities, or rendering plants;
- G. Animal hospitals, veterinary clinics, kennels, or animal boarding facilities;
- H. Agricultural hospitality facilities;
- I. Large scale development of mineral resources or surface development of mineral resources within two hundred feet of any exterior property line;
- J. Sawmills for processing timber other than that grown primarily on the same parcel where the sawmill is located and other parcels under the same ownership;
- K. Day care centers other than family day care homes;
- L. Schools;
- M. Places of worship;
- N. Cemeteries;
- O. Mausoleums, columbaria and crematoria when in conjunction with a cemetery;
- P. Recreational buildings and developments including, but not limited to, organized camps, campgrounds, recreational vehicle parks and picnic facilities;
- Q. Commercial shooting/archery ranges and trap shooting;
- R. Off-road vehicle courses and trails;
- S. On and off-shore marina facilities;
- T. Tent revivals, circuses and carnivals;
- U. Museums;
- V. Commercial refuse and sewage sludge disposal sites and public water and sewer treatment plants;
- W. Public utility uses;
- X. Commercial alternative energy generating facilities, including, but not limited to, wind and solar power facilities;
- Y. Airports and heliports;
- Z. Educational workshops, craft demonstrations and demonstration gardens not accessory to the primary agricultural use of the parcel;
- AA. Commercial events not in compliance with the requirements of Section 17.52.220;
- BB. Zoo or exotic animal park;
- CC. Farmers markets;
- DD. Commercial stables with more than 20 stalls;
- EE. Guest ranch exceeding six guest bedrooms or accommodations for 20 persons, whichever is less;
- FF. Accessory uses and structures appurtenant to conditional uses.

7.09.040 Minimum parcel size. Within any exclusive agricultural, thirty-seven acre minimum (AE-37) district, no parcel of real property shall be divided or reconfigured where

any parcel so created will be less than thirty-seven gross acres in area or will have an area to perimeter ratio of less than 210, as calculated or confirmed by the County Surveyor. An existing parcel which does not meet the minimum parcel or area to perimeter ratio regulations may be reconfigured to a resulting parcel which does not meet the minimum parcel size or area to perimeter ratio provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the area to perimeter ratio of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and the area to perimeter ratio requirements.

17.09.045 Agricultural laborer housing. Notwithstanding Section 17.08.040, a parcel of real property within an agricultural preserve may be divided to create a parcel of less than or equal to five (5) acres for sale or lease for agricultural laborer housing as provided in Section 51230.2 of the California Government Code.

17.09.050 Building intensity. Within any exclusive agricultural, thirty-seven acre minimum (AE-37) district, the maximum building intensity shall be two (2) dwellings per thirty-seven (37) acres; however, additional units are possible for agricultural laborer housing in accordance with state law or through a density bonus for the provision of affordable housing in accordance with the California Government Code. The maximum ratio of the coverage of all buildings on a parcel, referred to as the floor area ratio (FAR), shall be 0.1.

SECTION 38: Chapter 17.10 of the Tuolumne County Ordinance Code is amended to read as follows:

Chapter 17.10

GENERAL AGRICULTURAL DISTRICT, TWENTY ACRE MINIMUM, OR (A-20) DISTRICT

Sections:

- 17.10.010 Purpose.**
- 17.10.020 Permitted uses.**
- 17.10.030 Conditional uses.**
- 17.10.040 Minimum parcel size.**
- 17.10.050 Building intensity.**

17.10.010 Purpose. The purpose of the general agricultural, twenty acre minimum (A-20) district is to provide for country-estate living while maintaining large areas for the commercial production of food and fiber where such agricultural uses can exist without the encroachment of incompatible land uses. Development in this zone must comply with Title 15 of this Code relative to fire safety standards.

17.10.020 Permitted uses. Within any general agricultural, twenty acre minimum (A-20) district, the following uses are permitted unless otherwise provided in this Chapter:

- A. One single-family dwelling per parcel;
- B. One additional single-family dwelling or one guesthouse when the parcel is twenty acres or larger;
- C. Agricultural laborer housing;
- D. General farming and ranching;
- E. Agricultural processing facilities and activities related to the agricultural product grown on the parcel and not to exceed 10% of the parcel size or 5 acres, whichever is less;
- F. Roadside stand up to one thousand five hundred (1,500) square feet in area;
- G. Agricultural marketing facilities or activities;
- H. Agricultural by-product processing facilities accessory to the agricultural operation on the parcel, including commercial composting facilities;
- I. U-pick operations;
- J. Growing and harvesting timber products;
- K. Sawmills for processing timber grown only on the same parcel where the sawmill is located;
- L. Commercial stables, up to 20 stalls, and riding clubs including, but not limited to, accessory shows and clinics;
- M. Bed and breakfast establishments, within a permitted single-family dwelling, not to exceed six guest bedrooms;
- N. Farm stay, not to exceed six guest bedrooms;
- O. Guest ranch, not to exceed six guest bedrooms or accommodations for 20 persons, whichever is less;
- P. Residential care homes, transitional housing, supportive housing or nursery schools within a permitted single-family dwelling, for not more than eight persons;
- Q. 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;
- R. Small scale development of mineral resources, provided surface development does not occur within two hundred feet of any exterior property line;
- S. Prospecting;
- T. General recreational use without buildings, accessory to the primary use of the parcel including, but not limited to, hiking, non-motorized biking, hunting, fishing, boating, swimming, horseback riding, wagon rides, picnicking, cattle drives, and nature walks;
- U. Public safety facilities;
- V. The erection, construction, alteration, or maintenance of gas water, sewer, electrical, communication or other public utility distribution facilities except as otherwise provided in this Code;
- W. Educational workshops, craft demonstrations or demonstration gardens accessory to the primary agricultural use of the parcel;
- X. Commercial events subject to the requirements of Section 17.52.220;

- Y. Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests accessory to the primary agricultural use of the parcel;
- Z. Petting zoo accessory to the primary agricultural use of the parcel;
- AA. Private garages accessory to a single-family dwelling, or one private garage, not to exceed four thousand (4,000) square feet, as a primary use of the parcel;
- BB. Accessory uses and structures appurtenant to permitted uses.

17.10.030 Conditional uses. Within any general agricultural, twenty acre minimum (A-20) district, the following uses are permitted subject to first securing a use permit. The conditional uses cannot be substantially detrimental to surrounding agricultural operations, the primary agricultural use of the parcel or to neighboring parcels.

- A. One additional single-family dwelling, ten acres per unit maximum density;
- B. Agricultural processing facilities and activities for products not related to the agricultural product grown on the parcel or which exceed 10% of the parcel size or 5 acres, whichever is less;
- C. Roadside stand exceeding one thousand five hundred (1,500) square feet in area;
- D. Agricultural by-product processing facilities not accessory to the agricultural operation on the parcel, including commercial composting facilities;
- E. Livestock feed yards, stockyards, auction yards, animal processing facilities, or rendering plants;
- F. Animal hospitals, veterinary clinics, kennels, or animal boarding facilities;
- G. Commercial stables with more than 20 stalls;
- H. Large scale development of mineral resources or surface development of mineral resources within two hundred feet of any exterior property line;
- I. Sawmills for processing timber not grown on the same parcel where the sawmill is located;
- J. Residential care homes, nursery schools and day care centers, other than family day care homes;
- K. Schools, libraries, museums, art galleries, tourist information facilities;
- L. Places of worship;
- M. Cemeteries;
- N. Mausoleums, columbaria and crematoria, when in conjunction with a cemetery;
- O. Recreational buildings and developments including, but not limited to, organized camps, campgrounds, recreational vehicle parks and picnic facilities;
- P. Off-road vehicle courses and trails;
- Q. On and off-shore marina facilities;
- R. Tent revivals, circuses and carnivals;
- S. Temporary sales offices for parcels and residences;
- T. Commercial refuse and sewage sludge disposal sites and public water and sewer treatment plants;
- U. Public utility uses;
- V. Commercial alternative energy generating facilities, including, but not limited to, wind and solar power facilities;

- W. Airports and heliports;
- X. Educational workshops, craft demonstrations and demonstration gardens not accessory to the primary agricultural use of the parcel;
- Y. Commercial events not in compliance with the requirements of Section 17.52.220;
- Z. Guest ranch exceeding six guest bedrooms or accommodations for 20 persons, whichever is less;
- AA. Farmers markets;
- BB. Accessory uses and structures appurtenant to conditional uses.

17.10.040 Minimum parcel size. Within any general agricultural, twenty acre minimum (A-20) district, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than twenty gross acres in area or have an average width of less than five hundred feet. An existing parcel which does not meet the minimum parcel size or average width regulations may be reconfigured to a resulting parcel which does not meet the minimum parcel size and average width requirements provided the reconfiguration does not result in a decrease in the size of the existing parcel and in the average width of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size and average width requirements.

17.10.050 Building intensity. Within any general agricultural, twenty acre minimum (A-20) district, the maximum building intensity shall be one (1) dwelling per ten (10) acres; however, additional units are possible for agricultural laborer housing in accordance with state law or through a density bonus for the provision of affordable housing in accordance with the California Government Code. The maximum ratio of the coverage of all buildings on a parcel, referred to as the floor area ratio (FAR), shall be 0.2.

SECTION 39: Chapter 17.12 of the Tuolumne County Ordinance Code is amended to read as follows:

Chapter 17.12

GENERAL AGRICULTURAL DISTRICT, TEN ACRE MINIMUM, OR (A-10) DISTRICT

Sections:

- 17.12.010 Purpose.**
- 17.12.020 Permitted uses.**
- 17.12.030 Conditional uses.**
- 17.12.040 Minimum parcel size.**
- 17.12.050 Building intensity.**

17.12.010 Purpose. The purpose of the general agricultural, ten acre minimum (A-10) district is to provide for country-estate living on parcels less than twenty acres in area while maintaining areas for the commercial production of food and fiber where such agricultural

uses can exist without the encroachment of incompatible land uses. Development in this zone must comply with Title 15 of this Code relative to fire safety standards.

17.12.020 Permitted uses. Within any general agricultural, ten acre minimum (A-10) district, the following uses are permitted unless otherwise provided in this Chapter:

- A. One single-family dwelling per parcel;
- B. One additional single-family dwelling or one guesthouse when the parcel is ten acres or larger;
- C. Agricultural laborer housing;
- D. General farming and ranching;
- E. Agricultural processing facilities and activities related to the agricultural product grown on the parcel and not to exceed 10% of the parcel size or 2 acres, whichever is less;
- F. Roadside stand up to one thousand five hundred (1,500) square feet in area;
- G. Agricultural marketing facilities or activities;
- H. Agricultural by-product processing facilities accessory to the agricultural operation on the parcel;
- I. U-pick operations;
- J. Growing and harvesting timber products;
- K. Commercial stables, up to 20 stalls, and riding clubs including, but not limited to, accessory shows and clinics;
- L. Bed and breakfast establishments, within a permitted single-family dwelling, not to exceed six guest bedrooms;
- M. Residential care homes, transitional housing, supportive housing or nursery schools within a permitted single-family dwelling, for not more than eight persons;
- N. 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;
- O. Small scale development of mineral resources, provided surface development does not occur within two hundred feet of any exterior property line;
- P. Prospecting;
- Q. General recreational use without buildings, accessory to the primary use of the parcel including, but not limited to, hiking, non-motorized biking, hunting, fishing, boating, swimming, horseback riding, wagon rides, picnicking, cattle drives, and nature walks;
- R. Public safety facilities;
- S. The erection, construction, alteration, or maintenance of gas, water, sewer, electrical, communication or other public utility distribution facilities except as otherwise provided in this Code;
- T. Animal hospitals, indoors;
- U. Educational workshops, craft demonstrations or demonstration gardens accessory to the primary agricultural use of the parcel;
- V. Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests accessory to the primary agricultural use of the parcel;

- W. Petting zoo accessory to the primary agricultural use of the parcel;
- X. Farm stay within a permitted single-family dwelling, not to exceed six guest bedrooms;
- Y. Guest ranch within a permitted single-family dwelling, not to exceed six guest bedrooms or accommodations for 20 persons, whichever is less;
- Z. Private garages accessory to a single-family dwelling, or one private garage, not to exceed four thousand (4,000) square feet, as a primary use of the parcel;
- AA. Accessory uses and structures appurtenant to permitted uses.

17.12.030 Conditional uses. Within any general agricultural, ten acre minimum (A-10) district, the following uses are permitted subject to first securing a use permit. The conditional uses cannot be substantially detrimental to surrounding agricultural operations, the primary agricultural use of the parcel or to neighboring parcels.

- A. One additional single-family dwelling, ten acres per unit maximum density;
- B. Agricultural processing facilities and activities for products not related to the agricultural product grown on the parcel or which exceed 10% of the parcel size or 2 acres, whichever is less;
- C. Roadside stand exceeding one thousand five hundred (1,500) square feet in area;
- D. Agricultural by-product processing facilities not accessory to the agricultural operation on the parcel, including commercial composting facilities;
- E. Livestock feed yards, stockyards, auction yards, slaughterhouses, or rendering plants;
- F. Animal hospitals, outdoors, veterinary clinics, kennels, or animal boarding facilities;
- G. Commercial stables with more than 20 stalls;
- H. Large scale development of mineral resources or surface development of mineral resources within two hundred feet of any exterior property line;
- I. Sawmills;
- J. Residential care homes, nursery schools and day care centers, other than family day care homes;
- K. Schools, libraries, museums, art galleries, tourist information facilities;
- L. Places of worship;
- M. Cemeteries;
- N. Mausoleums, columbaria and crematoria, when in conjunction with a cemetery;
- O. Recreational buildings and developments including, but not limited to, organized camps, campgrounds, recreational vehicle parks and picnic facilities;
- P. Off-road vehicle courses and trails;
- Q. On and off-shore marina facilities;
- R. Tent revivals, circuses and carnivals;
- S. Temporary sales offices for parcels and residences;
- T. Commercial refuse and sewage sludge disposal sites, and public water and sewer treatment plants;
- U. Public utility uses;
- V. Commercial alternative energy generating facilities including, but not limited to, wind

- and solar power facilities;
- W. Airports and heliports;
- X. Farm stay, not to exceed six guest bedrooms other than within a permitted single-family dwelling;
- Y. Guest ranch other than within a permitted single-family dwelling or exceeding six guest bedrooms or accommodations for 20 persons, whichever is less;
- Z. Educational workshops, craft demonstrations and demonstration gardens not accessory to the primary agricultural use of the parcel;
- AA. Commercial events pursuant to Section 17.52.220;
- BB. Farmers markets;
- CC. Accessory uses and structures appurtenant to conditional uses.

17.12.040 Minimum parcel size. Within any general agricultural, ten acre minimum (A-10) district, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than ten gross acres in area. An existing parcel which does not meet the minimum parcel size regulation may be reconfigured to a resulting parcel which does not meet the minimum parcel size provided the reconfiguration does not result in a decrease in the size of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size requirement.

17.12.050 Building Intensity. Within any general agricultural, ten acre minimum (A-10) district, the maximum residential building intensity shall be one (1) dwelling per ten (10) acres; however, additional units are possible for agricultural laborer housing in accordance with state law or through a density bonus for the provision of affordable housing in accordance with the California Government Code. The maximum ratio of the coverage of all buildings on a parcel, referred to as the floor area ratio (FAR), shall be 0.2.

SECTION 40: Chapter 17.24 of the Tuolumne County Ordinance Code is amended to read as follows:

Chapter 17.24

RESIDENTIAL ESTATE, ONE ACRE MINIMUM DISTRICT, OR (RE-1) DISTRICT

Sections:

- 17.24.010 Purpose.**
- 17.24.020 Permitted uses.**
- 17.24.030 Conditional uses.**
- 17.24.040 Minimum parcel size.**
- 17.24.050 Building intensity.**
- 17.24.060 Minimum residential density.**

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. Development 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;
- E. General recreational use 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 parcel;
- H. Public safety facilities;
- 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. 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;
- L. The erection, construction, alteration or maintenance of gas, water, sewer, electrical, communication or other public utility distribution facilities except as otherwise provided in this Code;
- M. Growing and harvesting timber products;
- N. Prospecting;
- O. Private garages accessory to a single-family dwelling, or one private garage, not to exceed four thousand (4,000) square feet, as a primary use of the parcel;
- 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:

- 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;
- 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;
- D. Roadside stand;
- E. U-pick operations;
- F. Educational workshops, craft demonstrations or demonstration gardens accessory to the agricultural operation on the parcel;
- G. Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests;
- H. Sawmills for processing timber grown only on the same parcel where the sawmill is located, for a period not to exceed sixty days;
- I. On and off-shore marina facilities;
- J. Tent revivals, circuses and carnivals;
- K. Development of mineral resources;
- L. Health care facilities;
- M. Residential care homes, nursery schools and day care centers, other than family day care homes;
- N. Schools, places of worship, libraries, museums, art galleries, tourist information facilities;
- O. Bed and breakfast establishments, within a permitted single-family dwelling, not to exceed six guest bedrooms;
- P. Animal hospitals, indoors;
- Q. Temporary sales offices for parcels and residences;
- R. Public utility uses;
- S. Water treatment plants;
- T. Commercial alternative energy generating facilities including, but not limited to, wind and solar power facilities;
- 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 secondary single-family dwelling units, or through a density bonus for the provision of affordable housing in accordance with the California Government Code. The maximum ratio of the coverage of all buildings 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 parcel make development to the minimum density infeasible.

SECTION 41: Chapter 17.26 of the Tuolumne County Ordinance Code is amended to read as follows:

Chapter 17.26

RESIDENTIAL ESTATE, TWO ACRE MINIMUM DISTRICT, OR (RE-2) DISTRICT

Sections:

- 17.26.010 Purpose.**
- 17.26.020 Permitted uses.**
- 17.26.030 Conditional uses.**
- 17.26.040 Minimum parcel size.**
- 17.26.050 Building intensity.**

17.26.010 Purpose. The purpose of the residential estate, two acre minimum (RE-2) district is to provide areas where persons may enjoy rural residential living while engaging in limited agricultural pursuits or maintaining livestock. The RE-2 district, being lower in population density than the RE-1 district, is intended to occur where fewer municipal services are available. Development in this zone must comply with Title 15 of this Code relative to fire safety standards.

17.26.020 Permitted uses. Within any residential estate, two acre minimum (RE-2) 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 two acres;

- 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;
- E. 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;
- F. Agricultural by-product processing facilities accessory to the agricultural operation on the parcel;
- G. General recreational use accessory to the primary use of the parcel;
- H. Public safety facilities;
- 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. 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;
- L. The erection, construction, alteration or maintenance of gas, water, sewer, electrical, communication or other public utility distribution facilities except as otherwise provided in this Code;
- M. Growing and harvesting timber products;
- N. Prospecting;
- O. Bed and breakfast establishments, within a permitted single-family dwelling, not to exceed six guest bedrooms;
- P. Private garages accessory to a single-family dwelling, or one private garage, not to exceed four thousand (4,000) square feet, as a primary use of the parcel;
- Q. Accessory uses and structures appurtenant to permitted uses.

17.26.030 Conditional uses. Within any residential estate, two acre minimum (RE-2) district, the following uses are permitted subject to first securing a use permit:

- 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;
- 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;
- D. Roadside stand;
- E. U-pick operations;
- F. Educational workshops, craft demonstrations or demonstration gardens accessory

- to the agricultural operation on the parcel;
- G. Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests;
- H. Sawmills for processing timber grown only on the same parcel where the sawmill is located, for a period not to exceed sixty days;
- I. On and off-shore marina facilities;
- J. Tent revivals, circuses and carnivals;
- K. Development of mineral resources;
- L. Health care facilities;
- M. Residential care homes, nursery schools and day care centers, other than family day care homes;
- N. Schools, places of worship, libraries, museums, art galleries, tourist information facilities;
- O. Animal hospitals, indoors;
- P. Temporary sales offices for parcels and residences;
- Q. Commercial refuse and sewage sludge disposal sites, and public water and sewer treatment plants;
- R. Public utility uses;
- S. Commercial alternative energy generating facilities including, but not limited to, wind and solar power facilities;
- T. Airports and heliports;
- U. Accessory uses and structures appurtenant to conditional uses.

17.26.040 Minimum parcel size. Within any residential estate, two acre minimum (RE-2) district, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than two gross acres in area or less than one hundred feet in width at the front setback line. An existing parcel which does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel which does not meet the minimum parcel size and width at front setback requirements 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.

17.26.050 Building intensity. Within any residential estate, two acre minimum (RE-2) district, the maximum residential building intensity shall be one (1) dwelling unit per two (2) acres; however, additional units are possible for secondary single-family dwelling units, or through a density bonus for the provision of affordable housing in accordance with the California Government Code. The maximum ratio of the coverage of all buildings on a parcel, referred to as the floor area ratio (FAR), shall be 0.5.

SECTION 42: Chapter 17.27 of the Tuolumne County Ordinance Code is amended to read as follows:

Chapter 17.27

**RESIDENTIAL ESTATE, THREE ACRE MINIMUM
DISTRICT, OR (RE-3) DISTRICT**

Sections:

- 17.27.010 Purpose.**
- 17.27.020 Permitted uses.**
- 17.27.030 Conditional uses.**
- 17.27.040 Minimum parcel size.**
- 17.27.050 Building intensity.**

17.27.010 Purpose. The purpose of the residential estate, three acre minimum (RE-3) district is to provide areas where persons may enjoy country-estate type living while engaged in limited agricultural pursuits or maintaining livestock. The RE-3 district, being lower in population density than the RE-2 district, is consistent with the density standards of the Tuolumne County Airport Land Use Compatibility Plan for compatibility zones B2 and C. Public services such as public water and sewer need not be available nor is a demand for such services in these areas desired. Development in this zone must comply with Title 15 of this Code relative to fire safety standards.

17.27.020 Permitted uses. Within any residential estate, three acre minimum (RE-3) 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 three acres;
- 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;
- E. Agricultural processing facilities and activities for the agricultural product grown on the parcel and not to exceed 20% of the parcel size or one acre, whichever is less;
- F. Agricultural marketing facilities or activities;
- G. Agricultural by-product processing facilities accessory to the agricultural operation on the parcel;
- H. General recreational use accessory to the primary use of the parcel;
- I. Public safety facilities;
- J. 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;
- K. Residential care homes, transitional housing, supportive housing or nursery schools within a permitted single-family dwelling, for not more than eight persons;
- L. Private stables;

- M. The erection, construction, alteration or maintenance of gas, water, sewer, electrical, communication or other public utility distribution facilities except as otherwise provided in this Code;
- N. Growing and harvesting timber products;
- O. Prospecting;
- P. Bed and breakfast establishments, within a permitted single-family dwelling, not to exceed six guest bedrooms;
- Q. Private garages accessory to a single-family dwelling, or one private garage, not to exceed four thousand (4,000) square feet, as a primary use of the parcel;
- R. Accessory uses and structures appurtenant to permitted uses.

17.27.030 Conditional uses. Within any residential estate, three acre minimum (RE-3) district, the following uses are permitted subject to first securing a use permit:

- 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;
- 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 acre, whichever is less;
- C. Roadside stand;
- D. U-pick operations;
- E. Educational workshops, craft demonstrations or demonstration gardens accessory to the agricultural operation on the parcel;
- F. Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests;
- G. Sawmills for processing timber grown only on the same parcel where the sawmill is located, for a period not to exceed sixty days;
- H. On and off-shore marina facilities;
- I. Tent revivals, circuses and carnivals;
- J. Development of mineral resources;
- K. Health care facilities;
- L. Residential care homes, nursery schools and day care centers, other than family day care homes;
- M. Schools, places of worship, libraries, museums, art galleries, tourist information facilities;
- N. Animal hospitals, indoors;
- O. Temporary sales offices for parcels and residences;
- P. Commercial refuse and sewage sludge disposal sites, and public water and sewer treatment plants;
- Q. Public utility uses;
- R. Commercial alternative energy generating facilities including, but not limited to, wind and solar power facilities;

- S. Airports and heliports;
- T. Accessory uses and structures appurtenant to conditional uses.

17.27.040 Minimum parcel size. Within any residential estate, three acre minimum (RE-3) district, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than three gross acres in area or less than one hundred feet in width at the front setback line. An existing parcel which does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel which does not meet the minimum parcel size and width at front setback requirements 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.

17.27.050 Building intensity. Within any residential estate, three acre minimum (RE-3) district, the maximum residential building intensity shall be one (1) dwelling unit per three (3) acres; however, additional units are possible for secondary single-family dwelling units or through a density bonus for the provision of affordable housing in accordance with the California Government Code. The maximum ratio of the coverage of all buildings on a parcel, referred to as the floor area ratio (FAR), shall be 0.5.

SECTION 43: Chapter 17.28 of the Tuolumne County Ordinance Code is amended to read as follows:

Chapter 17.28

RESIDENTIAL ESTATE, FIVE ACRE MINIMUM DISTRICT, OR (RE-5) DISTRICT

Sections:

- 17.28.010 Purpose.**
- 17.28.020 Permitted uses.**
- 17.28.030 Conditional uses.**
- 17.28.040 Minimum parcel size.**
- 17.28.050 Building intensity.**

17.28.010 Purpose. The purpose of the residential estate, five acre minimum (RE-5) district is to provide a low density residential zoning classification offering country-estate type living conditions while maintaining large areas of open space dedicated to agricultural pursuits, grazing or left undisturbed. The RE-5 district is intended for areas where public services are limited. Development in this zone must comply with Title 15 of this Code relative to fire safety standards.

17.28.020 Permitted uses. Within any residential estate, five acre minimum (RE-5) 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 five acres;
- 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;
- E. Agricultural processing facilities and activities for the agricultural product grown on the parcel and not to exceed 20% of the parcel size or two acres, whichever is less;
- F. Agricultural marketing facilities or activities;
- G. Roadside stand up to one thousand five hundred (1,500) square feet in area;
- H. Agricultural by-product processing facilities accessory to the agricultural operation on the parcel;
- I. U-pick operations;
- J. General recreational use accessory to the primary use of the parcel;
- K. Growing and harvesting timber products;
- L. Public safety facilities;
- M. 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;
- N. Residential care homes, transitional housing, supportive housing or nursery schools within a permitted single-family dwelling, for not more than eight persons;
- O. Bed and breakfast establishments, within a permitted single-family dwelling, not to exceed six guest bedrooms;
- P. Animal hospitals, indoors;
- Q. Private stables;
- R. The erection, construction, alteration or maintenance of gas, water, sewer, electrical, communication or other public utility distribution facilities except as otherwise provided in this Code;
- S. Prospecting;
- T. Educational workshops, craft demonstrations or demonstration gardens accessory to the primary agricultural use of the parcel;
- U. Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests, accessory to the primary agricultural use of the parcel;
- V. Private garages accessory to a single-family dwelling, or one private garage, not to exceed four thousand (4,000) square feet, as a primary use of the parcel;
- W. Accessory uses and structures appurtenant to permitted uses.

17.28.030 Conditional uses. Within any residential estate, five acre minimum (RE-5) district, the following uses are permitted subject to first securing a use permit:

- 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;
- B. Sawmills for processing timber grown only on the same parcel where the sawmill is located, for a period not to exceed sixty days;
- C. Commercial stables and, riding clubs including, but not limited to, accessory shows and clinics;
- D. On and off-shore marina facilities;
- E. Tent revivals, circuses and carnivals;
- F. Development of mineral resources;
- G. Residential care homes, nursery schools and day care centers, other than family day care homes;
- H. Animal hospitals, outdoors, veterinary clinics, kennels, or animal boarding facilities;
- I. Temporary sales offices for parcels and residences;
- J. Commercial refuse and sewage sludge disposal sites, and public water and sewer treatment plants;
- K. Commercial composting facilities;
- L. Public utility uses;
- M. Commercial alternative energy generating facilities including, but not limited to, wind and solar power facilities;
- N. Airports and heliports;
- O. Cemeteries;
- P. Mortuaries, funeral homes, mausoleums, columbaria and crematoria, when in conjunction with a cemetery;
- Q. Schools, places of worship, libraries, museums, art galleries, tourist information facilities;
- R. Agricultural processing facilities and activities not for the agricultural product grown on the parcel or which exceed 20% of the parcel size or two acres, whichever is less;
- S. Roadside stand exceeding one thousand five hundred (1,500) square feet in area;
- T. Educational workshops, craft demonstrations and demonstration gardens not accessory to the primary agricultural use of the parcel;
- U. Commercial events pursuant to Section 17.52.220;
- V. Petting zoo;
- W. Accessory uses and structures appurtenant to conditional uses.

17.28.040 Minimum parcel size. Within any residential estate, five acre minimum (RE-5) district, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than five gross acres in area or less than two hundred feet in width at the front setback line. An existing parcel which does not meet the minimum parcel size or width at front setback requirements may be reconfigured to a resulting parcel which does not meet the minimum parcel size and width at front setback requirements 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.

17.28.050 Building intensity. Within any residential estate, five acre minimum (RE-5) district, the maximum residential building intensity shall be one (1) dwelling unit per five (5) acres; however, additional units are possible for secondary single-family dwelling units, or through a density bonus for the provision of affordable housing in accordance with the California Government Code. The maximum ratio of the coverage of all buildings on a parcel, referred to as the floor area ratio (FAR), shall be 0.2.

SECTION 44: Chapter 17.29 of the Tuolumne County Ordinance Code is amended to read as follows:

Chapter 17.29

RESIDENTIAL ESTATE, TEN ACRE MINIMUM DISTRICT, OR (RE-10) DISTRICT

Sections:

- 17.29.010 Purpose.**
- 17.29.020 Permitted uses.**
- 17.29.030 Conditional uses.**
- 17.29.040 Minimum parcel size.**
- 17.29.050 Building intensity.**

17.29.010 Purpose. The purpose of the residential estate, ten acre minimum (RE-10) district is to provide areas for country-estate type living conditions while maintaining large areas of open space dedicated to agricultural pursuits, grazing or left undisturbed. The RE-10 district is intended for areas where public services are limited. Development in this zone must comply with Title 15 of this Code relative to fire safety standards.

17.29.020 Permitted uses. Within any residential estate, ten acre minimum (RE-10) district, the following uses are permitted unless otherwise provided in this Chapter:

- A. One primary single-family dwelling per parcel;
- B. General farming and ranching;
- C. Agricultural processing facilities and activities for the agricultural product grown on the parcel and not to exceed 10% of the parcel size or two acres, whichever is less;
- D. Agricultural marketing facilities or activities;
- E. Roadside stand up to one thousand five hundred (1,500) square feet in area;
- F. Agricultural by-product processing facilities accessory to the agricultural operation on the parcel;
- G. U-pick operations;

- H. General recreational use accessory to the primary use of the parcel;
- I. Growing and harvesting timber products;
- J. Public safety facilities;
- K. 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;
- L. Residential care homes, transitional housing, supportive housing or nursery schools within a permitted single-family dwelling, for not more than eight persons;
- M. Bed and breakfast establishments, within a permitted single-family dwelling, not to exceed six guest bedrooms;
- N. Animal hospitals, indoors;
- O. Private stables;
- P. The erection, construction, alteration or maintenance of gas, water, sewer, electrical, communication or other public utility distribution facilities except as otherwise provided in this Code;
- Q. Prospecting;
- R. Educational workshops, craft demonstrations or demonstration gardens accessory to the primary agricultural use of the parcel;
- S. Seasonal activities including, but not limited to, crop mazes, pumpkin patches and berry harvests, accessory to the primary agricultural use of the parcel;
- T. Private garages accessory to a single-family dwelling, or one private garage, not to exceed four thousand (4,000) square feet, as a primary use of the parcel;
- U. Accessory uses and structures appurtenant to permitted uses.

17.29.030 Conditional uses. Within any residential estate, ten acre minimum (RE-10) district, the following uses are permitted subject to first securing a use permit:

- A. Sawmills for processing timber grown only on the same parcel where the sawmill is located, for a period not to exceed sixty days;
- B. Commercial stables and, riding clubs including, but not limited to, accessory shows and clinics;
- C. On and off-shore marina facilities;
- D. Tent revivals, circuses and carnivals;
- E. Development of mineral resources;
- F. Residential care homes, nursery schools and day care centers, other than family day care homes;
- G. Animal hospitals, outdoors, veterinary clinics, kennels, or animal boarding facilities;
- H. Temporary sales offices for parcels and residences;
- I. Commercial refuse and sewage sludge disposal sites, and public water and sewer treatment plants;
- J. Commercial composting facilities;
- K. Public utility uses;
- L. Commercial alternative energy generating facilities including, but not limited to, wind and solar power facilities;
- M. Airports and heliports;

- N. Cemeteries;
- O. Mortuaries, funeral homes, mausoleums, columbaria and crematoria, when in conjunction with a cemetery;
- P. Schools, places of worship, libraries, museums, art galleries, tourist information facilities;
- Q. Agricultural processing facilities and activities not for the agricultural product grown on the parcel or which exceed 10% of the parcel size or two acres, whichever is less;
- R. Roadside stand exceeding one thousand five hundred (1,500) square feet in area;
- S. Educational workshops, craft demonstrations and demonstration gardens not accessory to the primary agricultural use of the parcel;
- T. Commercial events pursuant to Section 17.52.220;
- U. Petting zoo;
- V. Accessory uses and structures appurtenant to conditional uses.

17.29.040 Minimum parcel size. Within any residential estate, ten acre minimum (RE-10) district, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than ten gross acres in area. An existing parcel which does not meet the minimum parcel size regulation may be reconfigured to a resulting parcel which does not meet the minimum parcel size provided the reconfiguration does not result in a decrease in the size of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size requirement.

17.29.050 Building intensity. Within any residential estate, ten acre minimum (RE-10) district, the maximum residential building intensity shall be one (1) dwelling unit per ten (10) acres; however, additional units are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code. The maximum ratio of the coverage of all buildings on a parcel, referred to as the floor area ratio (FAR), shall be 0.2.

SECTION 45: Chapter 17.42 of the Tuolumne County Ordinance Code is amended to read as follows:

Chapter 17.42

TIMBERLAND PRODUCTION DISTRICT, OR (TPZ) DISTRICT

Sections:

- 17.42.010 Purpose.**
- 17.42.020 Permitted uses.**
- 17.42.030 Conditional uses.**
- 17.42.040 Rezoning land.**
- 17.42.050 Additional regulations.**

- 17.42.060 Inclusion of additional lands.**
- 17.42.070 Minimum parcel size.**
- 17.42.075 Building intensity.**
- 17.42.080 Rezoning.**
- 17.42.090 Minimum parcel size requirement.**

17.42.010 Purpose. The timberland production (TPZ) district is for the protection of timberland and in order to prevent encroachment upon it by incompatible uses of land, and for the general welfare of the County as a whole. This zone is intended to qualify its land pursuant to Z'berg-Warren-Keene-Collier Forest Taxation Reform Act of 1976 or such other legislative statutes or constitutional authorization as may be developed for defining a timberland preserve. Development in this zone must comply with Title 15 of this Code relative to fire safety standards.

17.42.020 Permitted uses. Within any timberland production (TPZ) district, the following uses are permitted unless it is found that, in the specific instance, such a use would significantly detract from the use of the parcel for, or inhibit, growing and harvesting of timber:

- A. Christmas tree farms;
- B. A use integrally related to the growing, harvesting and processing of forest products, including but not limited to roads, log landings, and log storage areas;
- C. Management for watershed;
- D. Management for fish and wildlife habitat or hunting and fishing;
- E. Grazing;
- F. Prospecting;
- G. One single-family dwelling per parcel;
- H. Residential care homes, nursery schools and small family day care homes, within a permitted single-family dwelling, for not more than eight persons;
- I. Transitional housing or supportive housing within a permitted single-family dwelling;
- J. General farming and ranching incidental to the growing, harvesting and processing of forest products;
- K. Accessory uses and structures appurtenant to permitted uses.

17.42.030 Conditional uses. Within any timberland production (TPZ) district, the following uses are permitted subject to first securing a use permit if it is found that, in the specific instance, such a use would not significantly detract from the use of the parcel for, or inhibit, growing and harvesting of timber:

- A. Additional single-family dwellings, thirty-seven acres per unit maximum density;
- B. General farming and ranching;
- C. 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;
- D. Roadside stand for the sale of 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. Nurseries and greenhouses;
 - F. Sawmills;
 - G. Development of mineral resources;
 - H. Public safety facilities;
 - I. Bed and breakfast establishments, not to exceed six guest bedrooms, not to exceed the density standard shown in subsection A of this Section;
 - J. General recreational use incidental to the primary use of the parcel;
 - K. On and off-shore marina facilities;
 - L. Health care facilities;
 - M. Commercial refuse and sewage sludge disposal sites and public water and sewer treatment plants;
 - N. Airports and heliports;
 - O. The erection, construction, alteration or maintenance of gas, electric, water or communication transmission facilities;
 - P. Employee housing;
 - Q. Tent revivals, circuses and carnivals;
 - R. Accessory uses and structures appurtenant to conditional uses.

17.42.040 Rezoning land. Land may be rezoned as a timberland production (TPZ) district upon a finding that the criteria of Government Code Section 51113(c) have been met.

17.42.050 Additional regulations. The term of the TPZ district shall be as set forth in Government Code Section 51114.

17.42.060 Inclusion of additional lands. Additional lands may be zoned TPZ and added to an existing timberland preserve pursuant to Government Code Section 51113.5.

17.42.070 Minimum parcel size. Within any TPZ district, no parcel of real property shall be divided or reconfigured where any parcel so created will be less than one hundred and sixty gross acres in area, except as provided by Government Code Section 51119.5. An existing parcel which does not meet the minimum parcel size regulation may be reconfigured to a resulting parcel which does not meet the minimum parcel size provided the reconfiguration does not result in a decrease in the size of the existing parcel. Parcels resulting from a merger shall be exempt from the minimum parcel size requirement.

17.42.075 Building intensity. Within any timberland production (TPZ) district, the maximum residential building intensity shall be one (1) dwelling per thirty-seven (37) acres; however, additional units are possible through a density bonus for the provision of affordable housing in accordance with the California Government Code. The maximum ratio of the coverage of all buildings on a parcel, referred to as the floor area ratio (FAR), shall be 0.05.

17.42.080 Rezoning. Parcels zoned TPZ may be rezoned pursuant to Government Code Sections 51120 et seq., or 51130 et seq.

17.42.090 Minimum parcel size requirement. Parcels of less than one hundred and sixty acres shall not be zoned TPZ unless the parcel adjoins either lands within an existing TPZ district or the Stanislaus National Forest.

SECTION 46: Section 17.52.220 is added to the Tuolumne County Ordinance Code to read as follows:

17.52.220 Commercial events on agricultural land

Commercial events are the use of land and/or facilities for meetings, gatherings and events, including, but not limited to, weddings, parties and similar uses, for which a fee is charged.

- A. An annual ministerial permit may be acquired from the County to allow up to 40 commercial events to be held per calendar year for up to 300 guests on a parcel zoned AE-37, AE-80 or AE-160 subject to the standards in subsection C.
- B. An annual ministerial permit may be acquired from the County to allow up to two commercial events to be held per calendar year for up to 500 guests on a parcel zoned AE-37, AE-80 or AE-160 subject to the standards in subsection C.
- C. Standards for commercial events:
 - 1. The event venue shall be located on a parcel that complies with the cul-de-sac road standards specified in Section 11.12.040 of this Code.
 - 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.
 - 3. The event parking areas shall be located at least 20 feet from the boundary of any parcel zoned R or RE.
 - 4. Prior to issuance of the annual special event permit, a traffic management plan (TMP) shall be submitted and approved by the Community Resources Agency for events exceeding 100 guests. The TMP shall be prepared by a qualified transportation engineer/consultant and shall include appropriate techniques to provide safe ingress and egress from event facilities without resulting in substantial congestion of roadways, or otherwise cause traffic-related hazards. Such techniques may include (but may not be limited to):
 - a. Temporary caution and directional signage;

- b. Clearly defined points of ingress/egress;
 - c. Cones or other clear markers placed to help direct vehicle flow define parking areas and driveways; and
 - d. Flag persons to help direct vehicle flow and minimize congestion.
5. 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.
 6. Noise generated by the event shall not exceed a noise level of 60 dB Leq (1 hour) from 10:00 a.m. to 7:00 p.m. or 50 dB Leq (1 hour) from 7:00 p.m. to 2:00 a.m. as measured at a residence on any adjacent parcel.
 7. At least one drinking fountain or equivalent arrangement for potable water shall be provided at no cost to guests. If more than 100 guests are in attendance, two drinking fountains or equivalent arrangement shall be provided.
 8. At least one water closet and one urinal shall be provided for every 200 males or portion thereof in attendance at the event and one water closet shall be provided for every 100 females or portion thereof in attendance. For events with 50 or fewer guests in attendance, at least one water closet shall be provided.
 9. 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.
 10. 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. An encroachment permit shall be obtained prior to placing signage within a County road right-of-way.
 11. 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.
 12. A building permit shall be secured prior to erecting a temporary tent or a

temporary stage.

13. Temporary power cords shall not be affixed to structures, extended through walls, or subjected to environmental or physical damage. Cords shall be secured to prevent tripping hazards. Large diameter cords shall be provided with cord bridges or ramps to facilitate the crossing of wheel chairs, strollers and similar wheeled equipment.
 14. If a commercial event utilizes a tent or membrane structure, the placement, construction and use of that structure shall adhere to all applicable provisions of the California Fire Code, California Building Code and this Code.
 15. Receptacles for refuse and recyclable materials shall be provided for each event. All refuse and recyclables shall be collected the day following the event and shall be removed from the parcel within seven days following conclusion of the event.
 16. If food will be served, the event shall comply with the California Retail Food Code.
 17. If alcohol will be served, the event shall comply with the Alcoholic Beverage Control Act.
- D. A use permit shall be obtained prior to holding a commercial event in the AE-37, AE-80 or AE-160 district that exceeds the number of events or is not in compliance with the standards contained in subsections A through C of this Section.
- E. Up to 15 commercial events may be held per calendar year for up to 100 persons in the A-20 district subject to the standards contained in subsection C of this Section. A use permit shall be obtained prior to holding a commercial event in the A-20 district for more than 100 persons, not in compliance with the standards of subsection C of this Section or holding more than 15 commercial events in a calendar year.
- F. A use permit shall be obtained prior to holding any commercial event in the A-10, RE-5 or RE-10 districts.

SECTION 47: If any provision of the Ordinance or the application thereof to any person or circumstances is for any reason held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or applications thereof, and to this end the provisions of this Ordinance are severable.

SECTION 48: This Ordinance shall take effect thirty (30) days after its adoption. The Clerk of the Board of Supervisors is hereby authorized and directed to publish a summary of this ordinance in the Union Democrat, a newspaper of general circulation printed and published in the County of Tuolumne, State of California, prior to fifteen (15) days after its passage.

After holding public hearings as required by law, the foregoing Ordinance passed and was adopted at a special meeting of the Board of Supervisors of the County of Tuolumne, State of California on this 3rd day of January, 2019, by the following vote, to wit:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

John Gray, Chair
Board of Supervisors,
County of Tuolumne,
State of California

ATTEST: Alicia Jamar
Clerk of the Board of Supervisors

by _____ (SEAL)

APPROVED AS TO LEGAL FORM:

County Counsel
County of Tuolumne

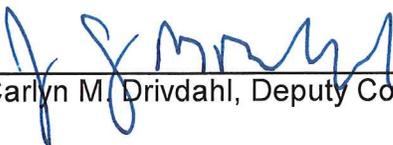
by  _____
Carlyn M. Drivdahl, Deputy County Counsel

EXHIBIT E

CEQA FINDINGS OF FACT for the TUOLUMNE COUNTY GENERAL PLAN UPDATE and ZONING ORDINANCE AMENDMENTS

I. INTRODUCTION

The Tuolumne County Board of Supervisors (the Board), in the exercise of its independent judgment, makes and adopts the following findings regarding its decision to approve the Tuolumne County General Plan Update and Zoning Ordinance Amendments (collectively referred to as the “General Plan Update” or the “Project”). This document has been prepared in accordance with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) (CEQA) and the CEQA Guidelines (Cal. Code Regs. Tit. 14, § 15000 et seq.).

II. STATUTORY REQUIREMENTS FOR FINDINGS

Public Resources Code section 21002 provides 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[.]” The same section provides that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” (Pub. Resources Code, § 21002.) Section 21002 goes on to provide that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, §21081(a); CEQA Guidelines, §15091(a).) For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(CEQA Guidelines, § 15091(a); Pub. Resources Code, § 21081(a).) Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.” (See also *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 565.)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a Statement of Overriding Considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043(b); see also Pub. Resources Code, §21081(b).) The Statement of Overriding Considerations for the General Plan Update is included herein in Section X.

Here, as explained below and in the Recirculated Draft Environmental Impact Report (RDEIR) and the Final EIR, the General Plan Update would result in significant and unavoidable environmental effects to the following: agricultural resources, cultural resources, global climate change, noise, and transportation and circulation. For reasons set forth in Section X below, however, the Board has determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the Project. The Board issues these findings to document its independent judgment regarding the potential environmental effects analyzed in the Final EIR and to document its reasoning for approving the General Plan Update.

III. BACKGROUND AND PROJECT DESCRIPTION

The existing Tuolumne County General Plan was adopted on December 26, 1996. State law (Government Code section 65300) requires that each city and county adopt a comprehensive general plan. The General Plan Update fulfills this requirement by updating Tuolumne County’s (the County) existing General Plan. The General Plan Update defines the framework by which the County’s physical and economic resources are to be managed and used in the future. The General Plan Update’s planning horizon is the year 2040. County decision-makers will use the plan as a road map for:

- choices about the use of land;
- protection of environmental resources;
- conservation of existing housing 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.

A. Project Location

Tuolumne County is located in the center of the California Mother Lode along the western slope of the Sierra Nevada. The County is bordered on the north by Calaveras County, on the south by Mariposa and Merced Counties, on the west by Stanislaus County, and on the east by Alpine and Mono Counties. Tuolumne County encompasses 2,274 total square miles, or 1,455,360 acres.

Exhibit 2-1 in the RDEIR shows a regional map of the County, its major highways, its incorporated city and unincorporated communities, and its relationship to adjacent counties.

B. General Plan Update 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.

C. General Plan Update Description

The General Plan Update is a comprehensive effort to update the existing 1996 General Plan and respond 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. 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.

The General Plan Update includes the update of seven mandatory General Plan elements: Community Development and Design Element (equivalent to a land use element), Transportation Element (equivalent to a circulation element), Housing Element, Natural Resources Element (equivalent to a combined open space and conservation element), Noise Element, and Natural Hazards Element (equivalent to a safety element). In addition to the mandatory elements, the General Plan Update includes optional elements: Utilities Element, Economic Development Element, Managed Resources Element, Agriculture Element, Healthy Communities Element, Parks and Recreation Element, Education and Libraries Element, Cultural Resources Element,

Water Supply Element, Air Quality Element, Public Safety Element, and Climate Change Element. There are also plans for five of Tuolumne County's individual communities: Jamestown Community Plan, Columbia Community Plan, East Sonora Community Plan, Tuolumne Community Plan, and Mountain Springs Community Plan.

D. General Plan Update Process

Since 2007, the County has been participating in Tuolumne Tomorrow, a Regional Blueprint planning process for directing future growth and enhancing the quality of life in the County over the planning horizon of 2040. Through this coordinated effort, the City of Sonora, the 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.

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. 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 workshops, 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.

The public was also invited to provide initial comments on the General Plan Update and the Tuolumne County Planning Commission conducted a workshop on April 15, 2015, where the public was also invited to provide comments. 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. As part of the written notice, staff informed property owners how to utilize the General Plan Update website, including a tool that enables property owners to view an interactive map that shows the proposed changes to land use diagrams, including individual property, as well as the proposed text changes to the General Plan elements.

Beginning 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 Rancheria of Me-Wuk Indians, Tuolumne Heritage Committee, Central Sierra Environmental Resources Center, Tuolumne-Stanislaus Integrated Regional Water Management Group, 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 and in the Union Democrat. Community Resources Agency staff

also made presentations at that Tuolumne Rural Action Coalition, the Tuolumne County Board of Realtors, and several town hall meetings.

E. Zoning Ordinance Amendments

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 County Ordinance Code, which would expand the range of economic activities allowed on land zoned for agriculture and agritourism activities on nonagricultural land.

IV. ENVIRONMENTAL REVIEW PROCESS

In accordance with Section 15082 of the CEQA Guidelines, the County issued a Notice of Preparation (NOP) for the General Plan Update on August 12, 2015. 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. The Planning Commission conducted a workshop on April 15, 2015, where the public was also invited to provide comments. Pursuant to CEQA Guidelines sections 15023(c), and 15087(f), the State Clearinghouse in the Office of Planning and Research was responsible for distributing the document to State agencies, departments, boards and commissions for review and comment. The County followed required procedures with regard to distribution of the appropriate notices and environmental documents to the State Clearinghouse. The State Clearinghouse made that information available to interested agencies for review and comment.

The County published the Draft EIR (2015 Draft EIR) for a 60-day public and agency review period on December 7, 2015. The review period ended on February 5, 2016. The County received 57 letters commenting on the 2015 Draft EIR.

In response to public comments received and to clarify and expand upon the analysis in the 2015 Draft EIR, the County prepared the RDEIR. 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.

The County released the RDEIR on August 27, 2018, 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, and made available at the County offices in Sonora. A notice of availability 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).

The County received written comments on the RDEIR from local agencies, organizations, and individuals. After reviewing these letters carefully, County staff determined that none of the comments provided any basis for identifying any new significant impacts or other significant new information that would require recirculation of some or all of the RDEIR. Because the County recirculated the EIR, the County need not respond to comments received during the earlier circulation period on the 2015 Draft EIR. Those comments, however, are part of the administrative record for consideration by the Planning Commission and the Board of Supervisors.

The Final EIR, which includes responses to comments on the RDEIR, was issued on December 5, 2018.

V. RECORD OF PROCEEDINGS

In accordance with Public Resources Code section 21167.6(e), the record of proceedings for the Board's decision to approve the General Plan Update includes the following documents at a minimum:

- The NOP and all other public notices issued by the County in conjunction with the 2015 Draft EIR, as well as all comments submitted by agencies or members of the public during the comment period on the NOP;
- The 2015 Draft EIR and the RDEIR and all appendices;
- All comments submitted by agencies or members of the public during the comment periods on the 2015 Draft EIR and the RDEIR;
- All comments and correspondence submitted to the County with respect to the General Plan Update and Zoning Ordinance Amendments, including comments submitted subsequent to the release of the Final EIR;
- The Final EIR, including responses to comments on the RDEIR, and appendices;
- Documents cited or referenced in the 2015 Draft EIR, the RDEIR, and the Final EIR;
- All recommendations and findings adopted by the Planning Commission and Board of Supervisors in connection with the General Plan Update and Zoning Ordinance Amendments and all documents cited or referred to therein;

- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the General Plan Update and Zoning Ordinance Amendments prepared by the County, consultants to the County, or responsible or trustee agencies with respect to the County's compliance with the requirements of CEQA and with respect to the County's action on the General Plan Update;
- Matters of common knowledge to the County, including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code section 21167.6(e).

Pursuant to CEQA Guidelines section 15091(e), the documents constituting the record of proceedings are available for review during normal business hours at the Tuolumne County Community Resources Agency, 48 Yaney Street, 4th Floor, Sonora, CA 95370. The custodian of these documents is Assistant CRA Director – Development, Quincy Yaley.

VI. MITIGATION MONITORING AND REPORTING PROGRAM

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the General Plan Update and is included in the same Resolution that adopts these Findings. The County will use the MMRP to track compliance with General Plan Update mitigation measures. The MMRP will remain available for public review during the compliance period. The Final MMRP is attached to and incorporated into the Final EIR and is approved in conjunction with certification of the RDEIR and adoption of these Findings of Fact.

VII. FINDINGS FOR DETERMINATIONS OF NO IMPACT OR LESS THAN SIGNIFICANT

The Board has reviewed and considered the information in the RDEIR and the Final EIR addressing potential environmental effects, proposed mitigation measures, and alternatives. The Board, relying on the facts and analysis in the RDEIR and the Final EIR, which were presented to the Board and reviewed and considered prior to any approvals, concurs with the conclusions of the RDEIR and the Final EIR regarding the potential environmental effects of the General Plan Update.

The Board concurs with the conclusions in the Final EIR that all of the following impacts will be less than significant or no impact:

Aesthetics
 Air Quality
 Energy
 Geology and Soils

Hazards and Hazardous Materials
Hydrology and Water Quality
Land Use and Planning
Population and Housing
Public Facilities
Mineral Resources
Recreation
Utilities and Service Systems

VIII. SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The RDEIR identified a number of significant and potentially significant environmental effects (or impacts) that the General Plan Update will contribute to or cause. Some of these significant effects can be fully avoided through the adoption of feasible mitigation measures. Other effects, however, cannot be avoided by the adoption of feasible mitigation measures or alternatives and thus will be significant and unavoidable. For reasons set forth in Section X, however, the Board has determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the General Plan Update.

A. Findings for Impacts Mitigated to Less Than Significant

This section includes the Project's direct and indirect impacts as well as cumulative impacts. The text in this section does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, this section provides a summary description of each impact, describes the applicable mitigation measures identified in the RDEIR or Final EIR and adopted by the Board, and states the Board's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the RDEIR and Final EIR, and the Board hereby incorporates by reference into these Findings the discussion and analysis in those documents supporting the Final EIR's determinations. In making these Findings, the Board ratifies, adopts, and incorporates into the Findings and analyses and explanations in the RDEIR and Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these Findings.

The Board has adopted all of the mitigation measures identified herein.

BIOLOGICAL RESOURCES

Impact 3.4-2: Loss or Degradation of Riparian, Oak Woodland, and Other Sensitive Natural Communities

Projected development under the General Plan Update may result in the loss or degradation of riparian habitat, oak woodlands, or other sensitive natural communities identified in local or regional plans, policies, or regulations, or by CDFW or USFWS. This impact is potentially significant.

Explanation: For projects that may cause a significant loss of oak woodland, as defined in Policy 16.B.5 and Implementation Program 16.B.j, the following mitigation measure is adopted to reduce and compensate for significant impacts to oak woodland:

Mitigation Measure 3.4-2: Implement Oak Woodland Mitigation Guidelines

The following new implementation programs shall be added under General Plan Policy 16.B.5:

Implementation Program 16.B.* [specific numbering to be provided in the Final General Plan Update]:** When considering discretionary development proposals, the County, through CEQA reviews, will require that project applicants map oak woodland resources on the project site and, where feasible, establish buffers around existing oak woodland stands to prevent adverse effects. 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 for project-specific ground-truthing/field verification. The County will require implementation of BMPs while working near retained oak woodlands to avoid inadvertent damage to oak trees. BMPs will include establishment of no-disturbance buffers around the outer canopy edge to prevent root and crown damage, soil compaction, and standard management practices to reduce introduction and spread of invasive species and other indirect effects. For those impacts on oak woodland that cannot be avoided, the County will require the project applicant to minimize adverse effects. If substantial conversion of oak woodland will occur based on Implementation Program 16.B.j, the County will require one or more of the following mitigation measures be implemented to mitigate the impact from loss of oak woodland habitat pursuant to Public Resources Code Section 21083.4, (which specifies certain projects, including commercial agricultural production, are exempt from the requirements of Section 21083.4):

- Conserve oak woodlands through the purchase of conservation easements.
- Plant acorns and container stock from a local seed source to replace oak woodland removed. The following parameters will be applied:
 - Plant an appropriate number of trees, including maintaining plantings and replacing dead or diseased trees.
 - Maintain trees for seven years after the trees are planted.
 - 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.
 - Mitigation through planting may be used to restore former or degraded oak woodlands.
- Contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodland conservation easements, the

Tuolumne County Oak Woodland Conservation Fund, or other appropriate established oak woodland conservation fund.

Implementation Program 16.B.* [specific numbering to be provided in the Final General Plan Update]:** The County will require project applicants to develop a mitigation and monitoring plan to compensate for the loss of oak woodland habitat. The mitigation and monitoring plan will describe in detail how loss of oak woodlands shall be avoided or offset, including details on restoration and creation of habitat, compensation for the temporal loss of habitat, success criteria ensuring habitat function goals and objectives are met, performance standards to ensure success, remedial actions if performance standards are not met, and requirements for reporting implementation actions and progress to the County. The plan will include detailed information on the habitats present within the preservation and mitigation areas, the long-term management and monitoring of these habitats, legal protection for the preservation and mitigation areas (e.g., conservation easement, declaration of restrictions), and funding mechanism information (e.g., endowment). If planting is used as part of compensatory mitigation, an oak planting plan will be developed by a qualified professional such as a professional biologist, arborist, or registered professional forester using the best available science and will clearly state all mitigation measures required.

Implementation Program 16.B.* [specific numbering to be provided in the Final General Plan Update]:** Oak woodlands habitat placed under conservation easements will be at appropriate ratios to offset the loss of habitat functions and values of the oak woodland to be lost. Oak woodland habitat preserved this way should have similar tree sizes and densities, species composition, site condition, and landscape context to the oak woodland to be removed to serve the same function and have similar habitat value. At a minimum, 1 acre of oak woodland habitat providing similar functions and values will be placed under conservation easement for every acre of oak woodlands habitat lost.

Without mitigation, the amount of oak woodland conversion is expected to be a relatively small proportion of that available in Tuolumne County, but the total acreage and quality that would be affected is unknown and could be substantial. (RDEIR, pp. 3.4-32 through 3.4-35.) With incorporation of mitigation measure 3.4-2, in combination with existing state and federal regulations, the General Plan Update policies and implementation programs, Community Plan policies, the existing Oak Woodlands Conservation Fund, and Tuolumne County Ordinance Code Chapter 9.24, impacts to oak woodlands resulting from projected development under the General Plan Update will be less than significant. (RDEIR, p. 3.4-37; Final EIR, Master Response 4, pp 3-14 through 3-15.)

Significance After Mitigation: Less Than Significant

Finding: Implementation of Mitigation Measure 3.4-2, which has been required or incorporated into the Project, will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds

that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.

NOISE

Impact 3.12-6. Expose Noise-Sensitive Land Uses to Operational Stationary Noise That Exceeds Applicable Standards

Projected development under the General Plan Update would potentially result in exposure of future residences and other noise-sensitive land uses to noise impacts generated from operational stationary noise sources, especially from mining, timberland production, sawmills, and agricultural operations. Implementation of policies in the General Plan Update to enforce noise standards for new development would ensure that acceptable standards would not be exceeded in most cases. However, noise associated with operational stationary noise sources from agritourism uses could exceed applicable standards at nearby receptors, especially during the more noise-sensitive nighttime hours. These impacts would be significant.

Explanation: The following mitigation measure is adopted:

Mitigation Measure 3.12-6: Restriction of outdoor gathering hours for agritourism uses and prohibition of exterior amplified sound

The following implementation programs will be added to the General Plan Update under Policy 5.A.1 to reduce noise exposure from operational stationary noise sources of agritourism uses to nearby sensitive land uses.

- **Implementation Program 5.A.*** [specific numbering to be provided in Final General Plan Update]:** Outdoor gatherings associated with normal, day-to-day agritourism uses shall be limited to daytime hours (7:00 a.m. to 10:00 p.m.). Exceptions may be allowed with review and approval by the County. As part of the County review and approval, such exceptions shall include an operation noise plan prepared by an acoustical engineer that evaluates potential for outdoor gatherings occurring during nighttime hours to exceed County noise standards. If needed, the noise plan shall include noise minimization measures (such as siting/orientation of the gathering) to minimize sound exposure of any nearby residences such that County noise standards (Table 3.12-7 of this EIR) are not exceeded. The applicant shall demonstrate through the plan how the nighttime gathering would not exceed applicable County noise standards. After the noise plan is approved by the County for the agritourism operation, no additional noise plan would be required, unless the agritourism operation proposes changes to its nighttime outdoor uses that could meaningfully affect exterior noise levels (e.g., changes in location/orientation of gatherings, location of access/parking, and type of gatherings, and/or substantial change in typical number of guests).
- **Implementation Program 5.A.*** [specific numbering to be provided in Final General Plan Update]:** No exterior amplified sound systems (e.g.,

public address systems) will be allowed as part of any agritourism use. Exceptions may be allowed with review and approval by the County with the submittal of a plan analyzing the noise from the speakers/amplification. As part of the County review and approval, the applicant shall submit a speaker/amplification noise plan prepared by an acoustical engineer, that evaluates the potential for the proposed amplified sound to exceed County noise standards (Table 3.12-7 of this EIR). If necessary, the noise plan shall include protocols for siting, orientation, and operation of speakers (including potential volume limits) that would be implemented to reduce the effect of noise levels generated by on-site stationary noise sources. The applicant shall demonstrate through the plan how the speaker/amplification system would not exceed applicable County noise standards (Table 3.12-7 of this EIR). After the noise plan is approved by the County for the agritourism operation, no additional speaker/amplification noise plan would be required, unless the agritourism operation proposes changes to the speaker/amplification system that could meaningfully affect noise levels (e.g. changes to the location, orientation, or volume of the amplification system).

Because there is no provision in the proposed Title 17 text and no policy or implementation program that would limit outdoor gathering associated with regular operation of agritourism uses to the daytime hours, noise generated during nighttime hours by agritourism uses could conflict with surrounding land uses. Therefore, without mitigation, operational stationary noise levels could exceed applicable standards at nearby receptors and the impact would be significant. (RDEIR, pp. 3.12-31 through 3.12-32.)

With incorporation of Mitigation Measure 3.12-6, General Plan Update Implementation Programs require outdoor gathering associated with agritourism uses to occur during daytime hours and prohibit amplified sound systems as a regular part of agritourism use. Implementation of these policies and programs would reduce the impact to less than significant. (RDEIR, pp. 3.12-32 through 3.12-33.)

Significance After Mitigation: Less Than Significant

Finding: Implementation of Mitigation Measure 3.12-6, which has been required or incorporated into the Project, will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.

TRANSPORTATION AND CIRCULATION

Impact 3.16-3. Hazards Due to a Design Feature or Incompatible Uses, including Agritourism Uses

The implementation of General Plan Update policies relating to traffic calming and enhancing bicycle and pedestrian facilities will help improve safety of the overall circulation network

within Tuolumne County. Additionally, any future circulation improvements associated with projected development under the General Plan Update would be subject to all applicable County and Caltrans design and safety standards. Additionally, the General Plan Update contains policies related to the compatibility of future development with existing airport land use compatibility and master plans; thus, ensuring incompatible uses in the vicinity of the existing airports would not occur. However, agritourism-related special events that would be allowed under the proposed text changes to the County Ordinance Code could result in temporary traffic hazards. This would be considered a potentially significant impact.

Explanation: The following mitigation measure is adopted:

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 Commercial events are the use of land and/or facilities for meetings, gatherings and events, including, but not limited to, weddings, parties and similar uses, for which a fee is charged.

A. An annual ministerial permit may be acquired from the County to allow Up to 40 commercial events may to be held per calendar year for up to 300 guests on a parcel zoned AE-37, AE-80 or AE-160 subject to the standards in paragraph C.

B. An annual ministerial permit may be acquired from the County to allow Up to two commercial events may to be held per calendar year for up to 500 guests on a parcel zoned AE-37, AE-80 or AE-160 subject to the standards in paragraph C.

C. Standards for commercial events:

1. The event venue shall be located on a parcel that complies with the cul-de-sac road standards specified in Section 11.12.040 of this code.
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.
3. The event parking areas shall be located at least 20 feet from the boundary of any parcel zoned R or RE.
4. Prior to issuance of the annual special event permit, a traffic management plan (TMP) shall be submitted and approved by the Community Resources Agency for events exceeding 100 guests. The TMP shall be prepared by a qualified transportation engineer/consultant and shall include appropriate techniques to provide safe ingress and egress from event facilities without resulting in substantial congestion of roadways, or otherwise cause

traffic-related hazards. Such techniques may include (but may not be limited to):

- a. Temporary caution and directional signage;
 - b. Clearly defined points of ingress/egress;
 - c. Cones or other clear markers placed to help direct vehicle flow define parking areas and driveways; and
 - d. Flag persons to help direct vehicle flow and minimize congestion.
5. *[subsequent items to be renumbered]*

Without mitigation, implementation of the General Plan Update will help improve safety of the overall circulation network within the County. Agritourism-related special events, however, could result in temporary traffic hazards and are considered a potentially significant impact. (RDEIR, pp. 3.16-39 through 3.16-31.)

Mitigation Measure 3.16-3 will minimize potential traffic hazards associated with agritourism-related commercial events by requiring a traffic management plan to be submitted and approved by the County for large special events on agricultural property. With incorporation of this mitigation measure, the impact will be reduced to a less than significant level. (RDEIR, pp. 3.16-31 through 3.16-32.)

Significance After Mitigation: Less Than Significant

Finding: Implementation of Mitigation Measure 3.16-3, which has been required or incorporated into the Project, will reduce this impact to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in, or incorporated into, the Project that avoid the significant environmental effect as identified in the Final EIR.

B. Findings for Significant and Unavoidable Impacts

This section includes the Project's direct and indirect impacts as well as cumulative impacts. The text in this section does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, this section provides a summary description of each impact, describes the applicable mitigation measures identified in the RDEIR or Final EIR and adopted by the Board, and states the Board's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the RDEIR and Final EIR, and the Board hereby incorporates by reference into these Findings the discussion and analysis in those documents supporting the Final EIR's determinations. In making these Findings, the Board ratifies, adopts, and incorporates into these Findings and analyses and explanations in the RDEIR and Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these Findings.

The Board has adopted all of the mitigation measures identified herein. The Board has considered all mitigation measures suggested in comments on the RDEIR, and rejects as infeasible those suggestions that are not otherwise incorporated herein, as reflected in the Resolution adopted by the Board of Supervisors adopting the 2018 General Plan.

AGRICULTURAL AND FOREST RESOURCES

Impact 3.2-1. Loss of High-Value Agricultural Land

The General Plan Update re-designates 4,509 acres, of a total 160,735 acres, of land designated for Agriculture to residential or commercial uses. While policies in the General Plan Update limit development in agricultural areas and minimize the potential for indirect conversion of agricultural land to other uses, re-designation of Agricultural land may occur on parcels that would be considered High-Value Agricultural Land, according to the Tuolumne County Agricultural Rating System Matrix or classified as Important Farmland pursuant to the California Department of Conservation Land Evaluation Site Assessment (LESA) Model. The re-designation of Agricultural Land to residential or commercial use would remove barriers to conversion of agricultural land to non-agricultural uses. This would reduce the value of agricultural land under the Agricultural Rating System Matrix and the LESA Model. Because the quantity and location of potential High-Value Agricultural Land and Important Farmland is currently unknown, based on readily available data and the site-by-site evaluation needed under the Agricultural Rating System Matrix and the LESA Model, the extent of the potential conversion cannot be determined at this time; however, the loss of High-Value Agricultural Land and Important Farmland would be significant.

Explanation: The following mitigation measure is adopted:

Mitigation Measure 3.2-1: Evaluate 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.d: 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.

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 classified as Important Farmland ~~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, 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.
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.

The EIR considered potential impacts related to the potential loss of high-value agricultural land. (RDEIR, pp. 3.2-14 through 3.2-16.) Because the quantity and location of potential High-Value Agricultural Land and Important Farmland is currently unknown, this impact would be significant. (RDEIR, pp. 3.2-14 through 3.2-15.)

Mitigation Measure 3.2-1 directs the County to require the purchase of agricultural conservation easements at a 1:1 ratio for conversion of High-Value Agricultural Land and Important Farmland.

The Natural Resources Conservation Service's (NRCS) Central Sierra Nevada Foothills Soil Survey was made available online via the Web Soil Survey website after release of the RDEIR. That survey provides soil data for parts of Tuolumne County that is a necessary first-step for identifying Important Farmland using the LESA Model. The Final EIR amended Mitigation Measure 3.2-1 to include use of this data. The revisions to the mitigation measure expand the mitigation to apply to land that qualifies as Important Farmland as determined using the LESA Model. (Final EIR, Master Response 3, pp. 3-5 through 3-9.) Therefore, the mitigation measure requires mitigation for the conversion of both High-Value Agricultural Land and Important Farmland.

With respect to Important Farmland, the mitigation measure allows flexibility for applicants to either presume that land identified by the NRCS Web Soil Survey website as containing soils that could be classified as Important Farmland (i.e., Prime Farmland, Unique Farmland, or Farmland of Statewide Importance) consists entirely of Important Farmland that must be mitigated at a 1:1 ratio pursuant to Mitigation Measure 3.2-1. In the alternative, where the NRCS Web Soil Survey website identifies land as containing soils that could be classified as Important Farmland, the applicant may elect to prepare a LESA Model to determine whether the land in fact *is* Important Farmland, and if so, how much of the land proposed for development would qualify. Once a LESA Model is prepared, the applicant will only be required to mitigate at a 1:1 ratio for the quantity of the land that is classified as Important Farmland.

Even with implementation of Mitigation Measure 3.2-1, the impact related to farmland conversion is significant because, although compensation would prevent other existing High-Value Agricultural Land and Important Farmland from future conversion, it would not replace the lost High-Value Agricultural Land or Important Farmland. (RDEIR, p. 3.2-16; Final EIR, Master Response 3, p. 3-9.)

It is infeasible to require mitigation for development on any land designated Agricultural, regardless of whether it is High-Value Agricultural Land or Important Farmland, because requiring such mitigation would conflict with the objectives of the General Plan Update. (Final EIR, p. 3-10.) With the inclusion of the mitigation measure described herein and in the Final EIR, no additional feasible measures are available.

Significance After Mitigation: Significant and Unavoidable

Finding: Implementation of Mitigation Measure 3.2-1, which has been required or incorporated into the Project, will reduce the severity of this impact, but not to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in, or incorporated into, the Project that will substantially lessen, but not avoid, the significant environmental effect as identified in the Final EIR.

The Board finds that fully mitigating this impact is not feasible; there are no additional feasible mitigation measures beyond Mitigation Measure 3.2-1 to reduce agricultural

impacts. The Board has reviewed suggested mitigation measures and finds the suggestions infeasible. This impact will remain significant and unavoidable. The Board concludes, however, that the General Plan Update's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.

Impact 3.2-3. Conflict with Williamson Act Contracts or Agricultural Preserve Overlay Districts

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

Explanation: The following mitigation measure is adopted:

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

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

Implementation Program 8.B.c: 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.

No development will be allowed on land under a Williamson Act contract until the contract is expired or canceled and the parcel is removed from an agricultural preserve, but the overarching purpose of the Williamson Act is to promote voluntary farmland conservation and the re-designation of land currently under Williamson Act contracts to non-agricultural uses would constitute a conflict with the overall intent of the Williamson Act. Therefore, the impact will be significant. Many General Plan Update policies limit the conversion of agricultural lands to non-agricultural uses, which limits conflicts with Williamson Act contracts. The General Plan Update also expands agritourism activities compatible with the Williamson Act land conservation program. (RDEIR, p. 3.2-17 through 3.2-21.)

Mitigation Measure 3.2-3 would further reduce the potential for conflicts with Williamson Act contracts, Agricultural Preserves, or Agricultural Preserve Overlay Districts. The only way to reduce the impact to less than significant would be to prohibit cancellation of Williamson act contract, which would violate the California Land Conservation Act. (RDEIR, p. 3.2-21; see also Final EIR, Response 03-34, p. 3-144.)

With the inclusion of the mitigation measure described herein and in the RDEIR and Final EIR, no additional feasible mitigation measures are available.

Significance After Mitigation: Significant and Unavoidable

Finding: Implementation of Mitigation Measure 3.2-3, which has been required or incorporated into the Project, will reduce the severity of this impact, but not to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in, or incorporated into, the Project that will substantially lessen, but not avoid, the significant environmental effect as identified in the Final EIR.

The Board finds that fully mitigating this impact is not feasible; there are no additional feasible mitigation measures beyond Mitigation Measure 3.2-3 to reduce agricultural impacts. The Board has reviewed suggested mitigation measures and finds the suggestions infeasible. This impact will remain significant and unavoidable. The Board concludes, however, that the General Plan Update's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.

Cumulative Impacts

Projected development under the General Plan Update has the potential to result in conversion of land uses, including agricultural lands and forest land, to urban uses. Implementation of Mitigation Measure 3.2-1, described above, would compensate for the conversion of any High-Value Agricultural Land resulting from the redesignation of Agricultural land to a non-agricultural use or conversion of Important Farmland. Although compensation would prevent other existing High-Value Agricultural Land and Important Farmland from future conversion, it would not replace the lost High-Value Agricultural Farmland or Important Farmland. Further, implementation of cumulative development outside the County, particularly in Merced and Stanislaus counties where the majority of growth would occur, would be expected to result in conversion of farmland of a much higher quality (due to its location on the San Joaquin Valley floor), which could also result in the additional conversion of agricultural land and forest to other uses. The potential for cumulative impacts related to agricultural resources is cumulatively significant, and the impact would be cumulatively considerable.

Explanation: Mitigation Measure 3.2-1, described above for Impact 3.2-1, is considered the maximum reasonable mitigation. While this mitigation would reduce the impact, it would remain cumulatively considerable.

With the inclusion of the mitigation measure described herein and in the RDEIR and Final EIR, no additional feasible mitigation measures are available.

Significance After Mitigation: Significant and Unavoidable

Finding: Implementation of Mitigation Measure 3.2-1, which has been required or incorporated into the Project, will reduce the severity of this impact, but not to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in, or incorporated into, the Project that will substantially lessen, but not avoid, the significant environmental effect as identified in the Final EIR.

The Board finds that fully mitigating this impact is not feasible; there are no additional feasible mitigation measures beyond Mitigation Measure 3.2-1 to reduce cumulative agricultural impacts. The Board has reviewed suggested mitigation measures and finds the suggestions infeasible. This impact will remain significant and unavoidable. The Board concludes, however, that the General Plan Update's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.

CULTURAL RESOURCES

Impact 3.5-1. Change in the Significance of a Historical or Unique Archaeological Resource Projected development under the General Plan Update could adversely affect historical or unique archaeological resources. The General Plan Update includes policies to protect resources, however, avoidance of these historical or unique archaeological resources may not be possible. Impacts would be potentially significant.

Explanation: The General Plan Update includes implementation programs requiring cultural resources surveys to be prepared by qualified professionals for all discretionary projects and that the reports would be prepared in compliance with State and Federal standards including the Secretary of the Interior's Standards and Guidelines for Identification, Evaluation, Documentation, Registration, Historical Documentation, Architectural and Engineering Documentation, and Archaeological Documentation. The implementation programs under Policy 13.B.1 would require that determinations of impacts, significance, and mitigation be made by qualified archaeological or historical consultants and that discretionary development projects be designed to avoid potential impacts to significant cultural resources whenever possible. However, avoidance may not always be feasible. No further mitigation is available other than to deny a project if historical or unique archaeological resources would be affected. As discussed in Chapter 6, "Alternatives," this EIR analyzes a Historic Structure Preservation Alternative. Under that alternative, policy provisions would be included that would prohibit, with some exceptions, demolition or substantial alteration of a significant historic structure. (RDEIR, pp. 3.5-19 through 3.5-20.)

These implementation programs will reduce impacts and are included as part of the Project. No feasible mitigation measures are available. (RDEIR, p. 3.5-20.)

Significance After Mitigation: Significant and Unavoidable

Finding: Implementation of the implementation programs described above, which have been required or incorporated into the Project, will reduce the severity of this impact, but not to a less than significant level. The Board hereby directs that these implementation programs be incorporated into the Project. The Board therefore finds that changes or alterations have been required in, or incorporated into, the Project that will substantially lessen, but not avoid, the significant environmental effect as identified in the Final EIR.

The Board finds that fully mitigating this impact is not feasible; there are no additional feasible mitigation measures beyond the Project features to reduce this impact and this impact will remain significant and unavoidable. The Board concludes, however, that the Project's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.

GLOBAL CLIMATE CHANGE

Impact 3.8-1. Generation of GHG Emissions, either Directly or Indirectly

Projected development under the General Plan Update includes construction and operational activities associated with the development of new land uses, both resulting in the generation of GHG emissions. Projected development under the General Plan Update will result in annual GHG emissions of 5.2 MTCO_{2e} per service population in Tuolumne County by 2040 and would remain above the 2040 statewide target of 3.1 MTCO_{2e} per service population established for this analysis. As a result, the General Plan Update will 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 will reduce GHG emissions associated new land uses. Policy 18.A.1 in the Climate Change Element requires the development of a climate action plan (CAP) with a target of reducing GHG emissions consistent with statewide targets. However, it is unknown whether the CAP will be fully implemented and, in turn, reduce countywide emissions consistent with state targets. Therefore, this impact would be significant.

Explanation: The following mitigation measure is adopted:

Mitigation Measure 3.8-1. Revise Implementation Program 18.A.a: The County will revise Implementation Program 18.A.a as follows to include the following GHG emissions reduction measures in the list of potential measures to include in the CAP.

- **Implementation Program 18.A.a:** Include specific GHG emissions reduction measures in the CAP. Examples include:

- Foster land use intensity near, along with connectivity to, retail and employment centers and services to reduce vehicle miles traveled and increase the efficiency of delivery services through adoption and implementation of smart growth principles and policies;
- Improve the local jobs/housing balance to reduce vehicle miles traveled;
- Incentivize energy efficiency improvements in existing buildings;
- Require energy audits for major additions to or alterations of existing buildings;
- Require compliance with CALGreen Tier 1 Green Building standards and Tier 1 Building Energy Efficiency Standards for eligible alterations 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 (ZNE) standards for new construction;
- Require new or replacement residential water heating systems to be electrically powered and/or alternatively fueled systems;
- Expand current renewable energy and green energy incentives and update local ordinances;
- Develop a program to offset project GHG emissions by retrofitting existing income-qualified homes and buildings;
- Support waste-to-energy programs at landfills; ζ Increase availability and accessibility of transit information;
- Support alternatives to private vehicle travel for visitors, such as shuttles;
- Increase the supply of electric vehicle charging stations;
- Promote telecommuting at office-based businesses;
- Encourage expansion of composting programs;
- Establish a waste diversion goal that exceeds the State's 2020 75 percent target;
- Identify potential sites for renewable energy facilities and transmission lines;
- Promote recycling to reduce waste and energy consumption;
- Identify appropriate sites for waste recovery facilities to minimize escape of GHGs;
- Convert all stationary diesel or gas-powered irrigation pumps to electric pumps;
- Require Tier 4 equipment for all construction activity and forestry/mining operations by 2030;
- Adopt a new water conservation ordinance for commercial and residential land uses limiting outdoor watering; ζ Expedite and/or reduce permit fees associated with water conservation installations in existing facilities;
- Require water audits for large new commercial or industrial projects and significant expansions of existing facilities;
- Conserve natural lands for carbon sequestration;

- Establish targets and enhanced programs for oak woodland and coniferous forest preservation and mandatory replanting;
- Refine protection guidelines for existing riparian lands to establish a no-net-loss goal;
- Develop a program to require repurposing of usable lumber from trees removed due to land conversion to avoid wood burning;
- Promote the sale and consumption of locally-grown foods and/or products;
- Establish and local carbon offset program;
- Identify lands suitable for wind power generation;
- Promote alternatives to open burning of biomass, including exploring the feasibility of the development of a biomass power plant in the County;
- Provide economic incentives and creative financing for renewable energy projects;
- Pursue incentives, grants, and creative financing for projects that improve energy efficiency;
- Prepare and implement a comprehensive plan to improve energy efficiency of municipal facilities;
- Develop a program to promote forest health and enhance the carbon sequestration potential of forests in the County.
- Establish a coordinated, creative public outreach campaign, including publicizing the importance of reducing GHG emissions and steps community members can take to reduce their individual impacts;
- Install renewable energy systems at municipal facilities including solar photovoltaic systems on municipal roofs and solar water heating;
- Ensure that County staff receive appropriate training and support to implement objectives and policies to reduce GHG emissions included in the County CAP;
- Evaluate the feasibility and effectiveness of using Community Choice Aggregation as a model for providing renewable energy to meet the community's electricity needs, including potential partnerships with other jurisdictions;
- Identify and remove or otherwise address barriers to renewable energy production including revisions to the County's building and development codes, design guidelines, and zoning ordinances;
- Provide information, marketing, training and technical assistance regarding green building practices and renewable energy systems;
- Identify and remove regulatory or procedural barriers to implementing green building practices within the County, such as updating codes, guidelines, and zoning, and ensure that all plan review and building inspection staff are trained in green building materials, practices, and techniques; and
- Establish menus and check-lists for developers and contractors to ensure water efficient infrastructure and technology are used in new

construction, including low-flow toilets and shower heads, moisture-sensing irrigation, and other such advances.

Without mitigation, projected development under the General Plan Update would result in annual GHG emissions of 5.2 MTCO_{2e} per service population in Tuolumne County by 2040 and would remain above the 2040 statewide target of 3.1 MTCO_{2e} per service population. This would conflict with the state's 2017 Scoping Plan. The General Plan Update includes a number of goals, policies, and implementation programs which would reduce GHG emissions associated with new land uses. In addition, Policy 18.A.1 requires development of a Climate Action Plan with a target of reducing GHG emissions consistent with statewide targets. Implementation Program 18.A.d requires the County to adopt and begin implementing the CAP prior to 2020. Because it is unknown whether the CAP will be fully implemented, the impact is significant. (RDEIR, pp. 3.8-24 through 3.8-28.)

Mitigation Measure 3.8-1 adds additional measures to Implementation Program 18.A.a for the County to consider including in its CAP. (RDEIR, pp. 3.8-28 through 3.8-30.)

The mitigation measures suggested in comment O3-30 are generally included in Implementation Program 18.A.d and Mitigation Measure 3.8-1, and the suggested measures would not substantially lessen the significant environmental effects of the project. (Final EIR, pp. 3-120 through 3-121, 3-141 through 3-143.) With the inclusion of the mitigation measure described herein and in the RDEIR and Final EIR, no additional feasible mitigation measures are available. (RDEIR, p. 3.8-30.)

Significance After Mitigation: Significant and Unavoidable

Finding: Implementation of Mitigation Measure 3.8-1, which has been required or incorporated into the Project, will reduce the severity of this impact, but not to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in, or incorporated into, the Project that will substantially lessen, but not avoid, the significant environmental effect as identified in the Final EIR.

The Board finds that fully mitigating this impact is not feasible; there are no additional feasible mitigation measures beyond Mitigation Measure 3.8-1 to reduce global climate change impacts. The Board has reviewed suggested mitigation measures and finds the suggestions infeasible. This impact will remain significant and unavoidable. The Board concludes, however, that the General Plan Update's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.

Impact 3.8-2. Conflict with Any Applicable Plan, Policy, or Regulation for Reducing the Emission of GHGs

Projected development under the General Plan Update will result in GHG emissions associated with temporary construction activity and long-term operational activity. The General Plan

Update includes a series of policies which will reduce GHG emissions. These policies have been shown to be consistent the GHG reduction goals in the 2016 Regional Transportation Plan (RTP) and would not conflict with this plan. However, CARB's 2017 Scoping Plan states that plan-level projects should demonstrate reductions in GHG emissions levels consistent with statewide targets. The General Plan Update does include policies that will help to reduce overall GHG emissions in the County to support achievement of the statewide GHG reduction targets. However, it is unknown at this time what level of GHG reductions these General Plan policies will achieve.

Projected development under the General Plan Update will result in annual GHG emissions of 5.2 MTCO_{2e} per service population in Tuolumne County by 2040 and will remain above the 2040 statewide threshold of 3.1 MTCO_{2e} per service population which demonstrates how plan-level projects would remain consistent with the statewide reduction targets. Therefore, implementation of the General Plan Update will potentially conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs, specifically the 2017 Scoping Plan. This impact would be significant.

Explanation: CARB's 2017 Scoping Plan states that plan-level projects should demonstrate reductions in GHG emissions levels consistent with statewide targets. The General Plan Update includes policies that will help to reduce overall GHG emissions in the County to support achievement of the statewide GHG reduction targets, but it is unknown what level of GHG reductions those General Plan policies will achieve. Implementation of the General Plan Update will potentially conflict with the 2017 Scoping Plan. (RDEIR, p. 3.8-30 through 3.8-32.)

Implementation of the CAP or similar GHG reduction plan, as required by Policy 18.A.1 of the General Plan Update, would help to achieve the GHG reduction goals consistent with statewide targets. Because a CAP has not yet been adopted or implemented, the impact is significant and unavoidable. (RDEIR, p. 3.8-32.)

No feasible mitigation measures are available. (RDEIR, p. 3.8-32.)

Significance After Mitigation: Significant and Unavoidable

Finding: The Board finds that fully mitigating this impact is not feasible; there are no feasible mitigation measures to reduce this impact. The Board has reviewed suggested mitigation measures and finds the suggestions infeasible. This impact will remain significant and unavoidable. The Board concludes, however, that the Project's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.

Cumulative Impacts

Climate change is an inherently cumulative issue and relates to development in the region, California, and the world. The impacts discussed above are also the cumulative effects of implementation of projected development under the General Plan Update. The discussion included for Impacts 3.8-1 and 3.8-2 also apply here.

Explanation: Mitigation Measure 3.8-1, described above for Impact 3.8-1, is considered the maximum reasonable mitigation. While this mitigation would reduce the impact, it would remain cumulatively considerable.

With the inclusion of the mitigation measure described herein and in the RDEIR and Final EIR, no additional feasible mitigation measures are available.

Significance After Mitigation: Significant and Unavoidable

Finding: Implementation of Mitigation Measure 3.8-1, which has been required or incorporated into the Project, will reduce the severity of this impact, but not to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in, or incorporated into, the Project that will substantially lessen, but not avoid, the significant environmental effect as identified in the Final EIR.

The Board finds that fully mitigating this impact is not feasible; there are no additional feasible mitigation measures beyond Mitigation Measure 3.8-1 to reduce cumulative global climate change impacts. The Board has reviewed suggested mitigation measures and finds the suggestions infeasible. This impact will remain significant and unavoidable. The Board concludes, however, that the General Plan Update's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.

NOISE

Impact 3.12-1. Expose New Sensitive Land Uses to Traffic Noise

Projected development under the General Plan Update will include the construction of future residences and other noise-sensitive land uses in close proximity to existing transportation noise sources and would be exposed to noise levels exceeding the maximum allowable range. In some cases, roadway noise levels reach 74.7 dBA CNEL and would require new development to achieve an approximate 15 dBA reduction in noise to meet exterior noise standards of 60 dBA CNEL. General Plan Update policies and implementation programs require new development to conduct site-specific acoustical analysis and include measures to minimize noise exposure and meet County noise standards. However, at the County-wide scale of this analysis, without knowing the specific location, design, orientation, and type of development projects, it cannot be determined with certainty whether adequate noise reduction can be achieved, and this impact would be significant.

Explanation: General Plan Update policies and implementation programs require new development to conduct site-specific acoustical analysis and include measures to minimize noise exposure and meet County noise standards. Without knowing the specific location, design, orientation, and type of development projects, however, it cannot be determined with certainty whether adequate noise reduction can be achieved. (RDEIR, pp. 3.12-16 through 3.12-23.)

Significance After Mitigation: Significant and Unavoidable

Finding: The Board finds that fully mitigating this impact is not feasible; there are no feasible mitigation measures to reduce this impact. The Board has reviewed suggested mitigation measures and finds the suggestions infeasible. This impact will remain significant and unavoidable. The Board concludes, however, that the Project's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.

No feasible mitigation measures are available. (RDEIR, p. 3.12-23.)

Impact 3.12-2. Expose Sensitive Receptors to Traffic-Noise Increases.

Projected development under the General Plan Update will increase traffic and associated noise levels along area highways and roadways in Tuolumne County, thereby exposing existing land uses to increased traffic noise. Within the General Plan Update's 2040 planning horizon, receptors along County roadways could experience noise level increases that exceed thresholds. Transportation-related policies aim to reduce automobile use and increase the use of alternative modes of transit. Traffic noise will still result in a 3 dB increase on one County road segment. While this is a very limited area, compared to the overall County, that would experience this type of noise increase, this impact would be significant.

Explanation: Projected development under the General Plan Update will expose land uses to increased traffic noise, and receptors along County roadways could experience noise level increases that exceed thresholds. Transportation-related policies aim to reduce automobile use and increase the use of alternative modes of transit, but traffic noise will still result in a 3 dB increase on one County road segment. Although this is a very limited area, the impact will be significant. (RDEIR, pp. 3.12-23 through 3.12-26.)

No feasible mitigation measures are available. (RDEIR, p. 3.12-26.)

Significance After Mitigation: Significant and Unavoidable

Finding: The Board finds that fully mitigating this impact is not feasible; there are no feasible mitigation measures to reduce this impact. The Board has reviewed suggested mitigation measures and finds the suggestions infeasible. This impact will remain significant and unavoidable. The Board concludes, however, that the Project's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.

Impact 3.12-3. Expose Sensitive Receptors to Construction Noise Levels That Exceed Applicable Standards

Construction of individual projects under the General Plan Update could produce noise levels ranging from 90.9 to 96.6 dBA Lmax at 50 feet from the source. Depending on the location, intensity, and timing of future construction activities, existing or new sensitive receptors could be exposed to disruptive nighttime construction activity. General Plan Update policies require

construction activities to implement all available noise reducing measures but do not ensure nighttime noise levels will not exceed thresholds in all cases. This impact would be significant.

Explanation: The following mitigation measures are adopted:

Mitigation Measure 3.12-3a. Establish Noise Standards. The following revision to General Plan Update Policy 5.A.5 is adopted to reduce noise impacts from construction as follows:

- **Policy 5.A.5:** Require that construction activity and temporary construction impacts do not expose existing noise-sensitive land uses to excessive noise levels. Require all new construction activities to implement all feasible noise-reducing measures as necessary to limit construction noise exposure at receiving occupied land uses to within acceptable County noise levels identified in Figure 5.3. Should nighttime construction activities be required (between the hours of 7 p.m. and 7 a.m.), exterior noise levels shall not exceed 65 dBA L_{max}, based on FICAN's 65 dBA SEL level for sleep disturbance (but conservatively using L_{max}, which is more appropriate for construction activities). ~~night time noise maximum noise levels established for various land uses in [General Plan] Figure 5.3, [See Table 3.12-5 of this EIR].~~

Mitigation Measure 3.12-3b. Increase Construction Noise Buffer. The following revision to General Plan Implementation Program 5.A.e is recommended to increase the distance construction activities are allowed from sensitive uses before additional measures are required:

- Implementation Program 5.A.e: The County shall ensure that, where residences or other noise sensitive uses are located within ~~800~~1,900 feet of construction sites, appropriate measures shall be implemented to limit noise exposure from construction. Specific techniques may include, but are not limited to, restrictions on construction timing, use of sound blankets on construction equipment, and the use of temporary walls and noise barriers to block and deflect noise.

Without mitigation, construction of individual projects under the General Plan Update could produce noise levels ranging from 90.9 to 96.6 dBA L_{max} at 50 feet from the source. Existing or new sensitive receptors could be exposed to disruptive nighttime construction activity. (RDEIR, pp. 3.12-26 through 3.12-28.)

Mitigation Measures 3.12-3a and 3.12-3b will help minimize potential sleep disturbance associated with nighttime construction noise. At the program-scale of the analysis, individual construction activities and associated noise exposure cannot be determined. Future development will be subject to subsequent discretionary review by Tuolumne County and will be required to comply with the construction noise policies contained in the General Plan Update. With the inclusion of the mitigation measures described herein

and in the RDEIR and Final EIR, no additional feasible mitigation measures are available. (RDEIR, pp. 3.12-28 through 3.12-29.)

Significance After Mitigation: Significant and Unavoidable

Finding: Implementation of Mitigation Measures 3.12-3a and 3.12-3b, which have been required or incorporated into the Project, will reduce the severity of this impact, but not to a less than significant level. The Board hereby directs that these mitigation measures be adopted. The Board therefore finds that changes or alterations have been required in, or incorporated into, the Project that will substantially lessen, but not avoid, the significant environmental effect as identified in the Final EIR.

The Board finds that fully mitigating this impact is not feasible; there are no additional feasible mitigation measures beyond Mitigation Measures 3.12-3a and 3.12-3b to reduce this impact. The Board has reviewed suggested mitigation measures and finds the suggestions infeasible. This impact will remain significant and unavoidable. The Board concludes, however, that the General Plan Update's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.

Impact 3.12-4. Expose Sensitive Receptors to Construction Vibration Levels That Exceed Applicable Standards

Projected development under the General Plan Update could produce vibration levels that could potentially affecting adjacent sensitive land uses. Such vibration could cause temporary disturbance to nearby receptors. These impacts would be significant.

Explanation: The following mitigation measure is adopted:

Mitigation Measure 3.12-4. Establish Blasting Restrictions: The following Implementation Program is adopted to reduce vibration and noise exposure from construction-related blasting to nearby sensitive land uses:

- **Implementation Program 5.A.*** [specific numbering to be provided in the Final General Plan Update]:** Require, prior to approval of development or construction activities that would include blasting activities, proof of contract with a State licensed contractor if blasting is required for any construction activities. Blasting shall not be allowed during the sensitive nighttime hours (7 p.m. to 7 a.m.). In addition, prior to approval of construction/grading permits, Tuolumne County will review all proposed blasting activities and require construction contractors to implement available noise reduction measures, including alternatives to blasting.

Without mitigation, the General Plan Update does not include policies or implementation programs that specifically address blasting. Therefore, it is possible that construction activities that require blasting to remove large outcroppings could result in vibration

levels that disrupt nearby receptors. Because the location, intensity, and timing of future construction activities and relative vibration levels at nearby receptors, it cannot be determined if vibration levels will exceed applicable standards at nearby receptors and the impact would be significant. (RDEIR, pp. 3.12-29 through 3.12-30.)

Mitigation Measure 3.12-4 would ensure that individual construction activities incorporate all available and feasible measures to reduce vibration from impact equipment and blasting activities. At the program-level scale of the analysis, however, individual construction activities and associated vibration exposure at receiving land uses cannot be determined. (RDEIR, p. 3.12-30.)

With the inclusion of the mitigation measure described herein and in the RDEIR and Final EIR, no additional feasible mitigation measures are available. (RDEIR, p. 3.12-30.)

Significance After Mitigation: Significant and Unavoidable

Finding: Implementation of Mitigation Measure 3.12-4, which has been required or incorporated into the Project, will reduce the severity of this impact, but not to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in, or incorporated into, the Project that will substantially lessen, but not avoid, the significant environmental effect as identified in the Final EIR.

The Board finds that fully mitigating this impact is not feasible; there are no additional feasible mitigation measures beyond Mitigation Measure 3.12-4 to reduce this impact. The Board has reviewed suggested mitigation measures and finds the suggestions infeasible. This impact will remain significant and unavoidable. The Board concludes, however, that the General Plan Update's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.

TRANSPORTATION AND CIRCULATION

Impact 3.16. Impacts to Roadway Segment Operations

Projected development under the General Plan Update would generate vehicle trips that would result in LOS deficiencies to roadway segments within the local circulation system based on a threshold of LOS D. The fiscally constrained roadway improvements planned in the 2016 RTP (Tier 1a, 1b, and 1c) are intended to address projected deficiencies for roadway segments within the County. However, after the identified improvements are implemented, fifteen roadway segments could still operate at deficient LOS. Impacts are potentially significant.

Explanation: The following mitigation measure is adopted:

Mitigation Measure 3.16-1. Roadway Improvements: As part of its update of the Tuolumne County Countywide Traffic Circulation Improvement Program, the County shall evaluate the following improvements for inclusion in the Program, thus allowing for funding through the Tuolumne County Traffic Impact

Mitigation Fee program. The improvements shall be incorporated into the Program if they are considered feasible and consistent with General Plan policies. If further analysis demonstrates that an alternative improvement would be adequate to achieve the target LOS, that alternative improvement shall be incorporated into the Program if feasible and consistent with General Plan policies.

Roadway 3, Roadway 4, Roadway 5, and Roadway 23 – Widen the Segments to Four Lanes

Widen the following segments to four lane expressways, consistent with FCEP-CIP Tier 3 projects, to improve conditions to LOS A in 2030 and 2040:

- Roadway 3 - SR 108 between O’Byrnes Ferry Road and SR 120 (Yosemite Junction)
- Roadway 4 - SR 108 between SR 120 (Yosemite Junction) and SR 49 (Montezuma Junction)
- Roadway 5 - SR 108 between SR 49 (Stockton Road) and S. Washington Street/Lime Kiln Road
- Roadway 23 - SR 49 between SR 49 (Montezuma Junction) and Bell Mooney Road

Roadway 24 and Roadway 27 – Widen the Segment to Five Lanes

Widen the following segments to five lanes, consistent with FCEP-CIP Tier 2 projects, to improve conditions to LOS C in 2030 and 2040:

- Roadway 24 - SR 49 between Bell Mooney Road and South Junction Main Street
- Roadway 27 - SR 49 between Fifth Avenue and Stockton Road/SR 108

Roadway 32, Roadway 33, and Roadway 34 - Construct the North-South Connector Phase 1

Construct the North-South Connector Phase 1 Greenley Road Extension to SR 49, consistent with FCEP-CIP Tier 2, by year 2030 to improve operating conditions along the following roadway segments:

- Roadway 32 - SR 49 north of Dodge Street,
- Roadway 33 - SR 49 south of N. Washington Street/Columbia Way
- Roadway 34 - SR 49 north of N. Washington Street/Columbia Way

If the aforementioned roadway improvement is deemed infeasible, or if further analysis demonstrates it will not result in acceptable operating conditions along the applicable roadway segment, the following improvements shall be incorporated:

- Construct the Western Bypass that would extend from SR 108/49 (south of Jamestown) to Rawhide Road. The Western Bypass is projected to further divert and reduce traffic on this segment of SR 49.
- Improve alternative modes of transportation along Roadways 32, 33, and 34, such as transit service or bicycle and pedestrian infrastructure.

Roadway 35 – Construct Left Turn Lane

Construct a continuous two-way-left-turn median lane to improve conditions to an acceptable LOS D in the year 2040 to improve operating conditions along Roadway 35 – SR 49 east of Parrots Ferry Road (Pedro Wye)

If the aforementioned roadway improvement is deemed infeasible, or if further analysis demonstrates it will not result in acceptable operating conditions along the applicable roadway segment, the following improvements shall be incorporated:

- Widen the segment to five lanes to improve conditions to LOS A in the year 2040.
- Improve alternative modes of transportation along this roadway segment, such as transit or bicycle and pedestrian infrastructure.

Roadway 52 and Roadway 116 - Construct the North-South Connector Phase

Construct the North-South Connector Phase 2, consistent with FCEP-CIP’s Tier 2 and Tier 3, that would extend Fir Drive from Mono Way to the Greenley Road Extension, which may reduce traffic on the following segments:

- Roadway 52 - Mono Way west of Sanguinetti Road
- Roadway 116 - S. Washington Street between Restano Way and Church Street

If the aforementioned roadway improvement is deemed infeasible, or if further analysis demonstrates it will not result in acceptable operating conditions along the applicable roadway segment, the following improvement shall be incorporated:

- Improve alternative modes of transportation along Roadways 52 and 116, such as transit service, bicycle and pedestrian infrastructure.

Roadway 77 - Widen the Segment to Five Lanes

Widen to five lanes Roadway 77 - Tuolumne Road from Mono Way to Lambert Lake Road to improve conditions to an acceptable LOS D in the year 2040.

If the aforementioned roadway improvement is deemed infeasible, or if further analysis demonstrates it will not result in acceptable operating conditions along the applicable roadway segment, the following improvement shall be incorporated:

- Improve alternative modes of transportation along this roadway segment, such as transit service or bicycle and pedestrian infrastructure.

Roadway 31 - Construct the North-South Connector Phase 2

Consistent with the FCEP-CIP’s Tier 2 and Tier 3, construct the North-South Connector Phase 2 from Fir Drive Extension to SR 108, by the year 2040.

If the aforementioned roadway improvement is deemed infeasible, or if further analysis demonstrates that it will not result in acceptable operating conditions along the applicable roadway segment, the following improvements shall be incorporated:

- Construct the Western Bypass that would extend from SR 108/49 (south of Jamestown) to Rawhide Road. The Western Bypass is projected to further divert and reduce traffic on this segment of SR 49, or
- Improve alternative modes of transportation along Roadway 31, such as transit service or bicycle and pedestrian infrastructure.

Roadway 69 – Construct the North-South Connector Phase 2

Consistent with the FCEP-CIP’s Tier 2 and Tier 3, construct the North-South Connector Phase 2 from Fir Drive Extension to SR 108, to improve conditions to an acceptable LOS by the year 2040 on Roadway 69 - Greenley Road between Cabezut Road/Morning Star Road and Delnero Drive.

If the aforementioned roadway improvement is deemed infeasible, or if further analysis demonstrates it will not result in acceptable operating conditions along the applicable roadway segment, the following improvement shall be incorporated:

- Construct the Cabezut Road Extension from the Fir Drive Road Extension to Phoenix Lake Road, to further divert and reduce traffic on this segment of Greenley Road.

Projected development under the General Plan Update will generate vehicle trips that will result in LOS deficiencies to roadway segments within the local circulation system based on a threshold of LOS D. After planned improvements in the 2016 RTP are implemented, fifteen roadway segments could still operate at deficient LOS. (RDEIR, pp. 3.16-22 through 3.16-24.)

With implementation of Mitigation Measure 3.16-1, many roadway segments will operate at acceptable LOS in years 2030 and 2040. (RDEIR, pp. 3.16-24 through 3.16-26.)

The identified improvements may not be feasible due to physical constraints, financial reasons, or jurisdictional control, and the County may determine these improvements are not desirable in terms of County policies. The mitigation measure may also have secondary environmental impacts and project-specific environmental review would be

required pursuant to CEQA for each of the improvements. In addition, three roadway segments would continue to operate at deficient LOS in years 2030 and 2040. Therefore, the impacts are significant and unavoidable. (RDEIR, p. 27.)

With the inclusion of the mitigation measure described herein and in the RDEIR and Final EIR, no additional feasible mitigation measures are available.

Significance After Mitigation: Significant and Unavoidable

Finding: Implementation of Mitigation Measure 3.16-1, which has been required or incorporated into the Project, will reduce the severity of this impact, but not to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in, or incorporated into, the Project that will substantially lessen, but not avoid, the significant environmental effect as identified in the Final EIR.

The Board finds that fully mitigating this impact is not feasible; there are no additional feasible mitigation measures beyond Mitigation Measure 3.16-1 to reduce this impact. The Board has reviewed suggested mitigation measures and finds the suggestions infeasible. This impact will remain significant and unavoidable. The Board concludes, however, that the General Plan Update's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.

Impact 3.16-2. Impacts to Intersection Operations

Projected development under the General Plan Update would increase traffic volumes at intersections throughout Tuolumne County. Intersection improvements planned in the 2016 RTP are intended to address projected deficiencies intersections within the County. The fiscally constrained roadway improvements planned in the 2016 RTP (Tier 1a, 1b, and 1c) are intended to address projected deficiencies at intersections within the County. However, after the identified improvements are implemented, three intersections could still operate at deficient LOS. Impacts are potentially significant.

Explanation: The following mitigation measure is adopted:

Mitigation Measure 3.16-2: Intersection Improvements: As part of its update of the Tuolumne County Countywide Traffic Circulation Improvement Program, the County shall evaluate the following improvements for inclusion in the Program, thus allowing for funding through the Tuolumne County Traffic Impact Mitigation Fee program. The improvements shall be incorporated into the Program if they are considered feasible and consistent with General Plan policies. If further analysis demonstrates that an alternative improvement would be adequate to achieve the target LOS, that alternative improvement shall be incorporated into the Program if feasible and consistent with General Plan policies.

Intersection 11 - Installation of a Traffic Signal or Conversion to a High-T Type Intersection

Improve the intersection of SR 49-SR 108/SR 108 and SR 49 (Stockton Road) by year 2030 to a High-T type intersection or install a traffic signal at the intersection.

Intersection 23 – Construct a Southbound Right-Turn Pocket

A southbound right-turn pocket shall be constructed at the intersection of S. Washington Street/SR 49 (S. Washington Street) and SR 49 (Stockton Road) to improve conditions to an acceptable LOS in the year 2040, with some movements operating at a LOS F. If this is not feasible due to the existing right-of-way, alternative modes of transportation shall be improved along this roadway segment, such as transit service, bicycle and pedestrian infrastructure.

If the aforementioned roadway improvement is deemed infeasible, or if further analysis demonstrates it will not result in acceptable operating conditions at the applicable intersection, the following improvements shall be incorporated:

- Construct the North-South Connector Phase 2 (Fir Drive Extension), which would extend Fir Drive from Mono Way to the Greenley Road Extension, intersecting with Cabezut Road and Lyons Bald Mountain Road in between, may reduce traffic on this segment of SR 49 by up to 5%.
- Construct the Western Bypass that would extend from SR 108/49 (south of Jamestown) to Rawhide Road. The Western Bypass is projected to divert traffic away from downtown Sonora and may reduce traffic at this intersection.
- Improve alternative modes of transportation along this roadway segment, such as transit service, bicycle and pedestrian infrastructure.

Intersection 24 – Installation of a Traffic Signal and Restricting Right-Turn Movement

A traffic signal shall be installed at the intersection of South Washington Street and Church Street. If this is not feasible due to the proximity of another signalized intersection, then the westbound Church Street approach shall be converted to right-turn-only during peak hours. The eastbound approach is currently restricted to right-turn-only during peak hours.

Without mitigation, projected development under the General Plan Update would increase traffic volumes at intersections throughout the County, and even with implementation of improvements identified in the 2016 RTP, three intersections would still operate at deficient LOS. (RDEIR, p. 3.16-27 through 3.16-29.)

Mitigation Measure 3.16-2 will improve some but not all intersections to acceptable LOS. The identified improvements may not be feasible due to physical constraints, financial reasons, or jurisdictional control. The mitigation measure may also have secondary

environmental impacts and project-specific environmental review would be required pursuant to CEQA for each of the improvements. Therefore, the impacts are significant and unavoidable. (RDEIR, p. 3.16-30.)

With the inclusion of the mitigation measure described herein and in the RDEIR and Final EIR, no additional feasible mitigation measures are available.

Significance After Mitigation: Significant and Unavoidable

Finding: Implementation of Mitigation Measure 3.16-2, which has been required or incorporated into the Project, will reduce the severity of this impact, but not to a less than significant level. The Board hereby directs that this mitigation measure be adopted. The Board therefore finds that changes or alterations have been required in, or incorporated into, the Project that will substantially lessen, but not avoid, the significant environmental effect as identified in the Final EIR.

The Board finds that fully mitigating this impact is not feasible; there are no additional feasible mitigation measures beyond Mitigation Measure 3.16-2 to reduce this impact. The Board has reviewed suggested mitigation measures and finds the suggestions infeasible. This impact will remain significant and unavoidable. The Board concludes, however, that the General Plan Update's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.

Cumulative Impacts

The impact analysis in the EIR for impacts to transportation and circulation related to projected development under the General Plan Update relies on existing and future growth accommodated through the General Plan Update and accounts for the projected growth of the surrounding counties. Therefore, the transportation and circulation impacts identified in the EIR and discussed above are inherently cumulative.

Explanation: Mitigation Measures 3.16-1 and 3.16-2, described above for Impacts 3.16-1 and 3.16-2, are considered the maximum reasonable mitigation. While this mitigation would reduce the impact, it would remain cumulatively considerable.

With the inclusion of the mitigation measures described herein and in the RDEIR and Final EIR, no additional feasible mitigation measures are available.

Significance After Mitigation: Significant and Unavoidable

Finding: Implementation of Mitigation Measures 3.16-1 and 3.16-2, which have been required or incorporated into the Project, will reduce the severity of this impact, but not to a less than significant level. The Board hereby directs that these mitigation measures be adopted. The Board therefore finds that changes or alterations have been required in, or incorporated into, the Project that will substantially lessen, but not avoid, the significant environmental effect as identified in the Final EIR.

The Board finds that fully mitigating this impact is not feasible; there are no additional feasible mitigation measures beyond Mitigation Measures 3.16-1 and 3.16-2 to reduce cumulative transportation and circulation impacts. The Board has reviewed suggested mitigation measures and finds the suggestions infeasible. This impact will remain significant and unavoidable. The Board concludes, however, that the General Plan Update's benefits outweigh the significant unavoidable impacts of the Project, as set forth in the Statement of Overriding Considerations.

IX. PROJECT ALTERNATIVES

A. Basis for Alternatives-Feasibility Analysis

Public Resources Code section 21002 provides 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[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.”

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate this range of *potentially* feasible alternatives, an alternative may ultimately be deemed by the lead agency to be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 999-1000 (*CNPS*); *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 314-315; *City of Del Mar v. City of San Diego* (1983) 133 Cal.App.3d 401, 417.) “‘Feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Ibid.*; see also *CNPS, supra*, 177 Cal.App.4th at p. 1001.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision-makers may reject the alternative if they determine that specific considerations make the alternative infeasible.

Under CEQA Guidelines section 15126.6, the alternatives to be discussed in detail in an EIR should be able to “feasibly attain most of the basic objectives of the project[.]” For this reason, the project objectives described above provided the framework for defining possible project alternatives. (See *In re Bay-Delta* (2008) 43 Cal.4th 1143, 1166.) Alternatives also were evaluated based on general feasibility criteria suggested by the CEQA Guidelines.

Based on the requirements of CEQA Guidelines section 15126.6 and the Project’s Objectives, the following alternatives to the Project were identified:

- Alternative 1: 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
- Alternative 6: Modified Public Services

The Board finds that a good-faith effort was made in the RDEIR to evaluate a reasonable range of alternatives that could feasibly attain most of the basic objectives of the Project but that would avoid or substantially lessen any of the significant effects of the General Plan Update, even when the alternatives might impede the attainment of the Project objectives and might be more costly. As a result, the scope of alternatives analyzed in the RDEIR is not unduly limited or narrow. (See RDEIR, Chapter 6.)

1. Significant Unavoidable Impacts of the Project

Section VIII to these Findings of Fact sets forth all of the significant effects associated with the General Plan Update, along with all of the adopted mitigation measures aimed at reducing the severity of those significant effects. In some instances, the adopted mitigation measures will reduce impacts to less than significant levels. In other instances, however, the significant impacts will still remain significant (and thus unavoidable) even after the adoption of all feasible mitigation measures. These significant unavoidable impacts are briefly summarized below:

Agricultural Resources

Loss of High-Value Agricultural Land: The General Plan Update re-designates 4,509 acres, of a total of 160,735 acres, of land designated for Agriculture to residential or commercial uses. While policies in the General Plan Update would limit development in agricultural areas and minimize the potential for indirect conversion of agricultural land to other uses, re-designation of Agricultural land may occur on parcels that would be considered High-Value Agricultural Land, according to the Tuolumne County Agricultural Rating System Matrix, or classified as Important Farmland according to the LESA Model. The re-designation of Agricultural land to residential or commercial use would remove barriers to conversion of agricultural land to non-agricultural uses. This would reduce the value of agricultural land under the Agricultural Rating System Matrix and the LESA Model. Because the quantity and location of potential High-Value Agricultural Land and Important Farmland is currently unknown, based on readily available data and the site-by-site evaluation needed under the Agricultural Rating System Matrix and the LESA Model, the extent of the potential conversion cannot be determined at this time; however, the loss of High-Value Agricultural Land and Important Farmland is significant.

Conflict with Williamson Act Contracts or Agricultural Preserve Overlay Districts: Future development under the General Plan Update could conflict with Williamson Act contracts and lands within agricultural preserves on some properties. If land under a Williamson Act contract is proposed for development, the property owner could either allow the contract to expire under a notice of non-renewal or obtain a cancellation. Land under agricultural preserves would need to be re-zoned to remove the County's AP Combining District or approved by the Board of

Supervisors to be removed from a preserve. No development would be allowed until the Williamson Act contract is expired or cancelled and the parcel is removed from an agricultural preserve; therefore, direct conflicts with Williamson Act contracts would not occur. However, the overarching purpose of the Williamson Act is to promote voluntary farmland conservation; therefore, the redesignation of land currently under Williamson Act contracts to non-agricultural uses would constitute a conflict with the overall intent of the Williamson Act. This impact is significant.

Cultural Resources

Change in the Significance of a Historical or Unique Archaeological Resource: Projected development under the General Plan Update could adversely affect historical or unique archaeological resources. The General Plan Update includes policies to protect resources. However, avoidance of these historical or unique archaeological resources may not be possible. This impact is potentially significant.

Global Climate Change

Generation of GHG Emissions, Either Directly or Indirectly: Projected development under the General Plan Update includes construction and operational activities associated with the development of new land uses, both resulting in the generation of GHG emissions. Projected development under the General Plan Update will result in annual GHG emissions of 5.2 MTCO_{2e} per service population in Tuolumne County by 2040 and will remain above the 2040 statewide target of 3.1 MTCO_{2e} per service population established for this analysis. As a result, the General Plan Update will result in a considerable increase in GHG emissions and will 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 will 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. Implementation Program 18.A.d requires the County to adopt and begin implementing the CAP prior to 2020. However, it is unknown whether the CAP will be fully implemented and, in turn, reduce countywide emissions consistent with state targets. This impact is significant.

Conflict with Any Applicable Plan, Policy, or Regulation for Reducing the Emission of GHGs: Projected development under the General Plan Update would result in GHG emissions associated with temporary construction activity and long-term operational activity. The General Plan Update includes a series of policies which would reduce GHG emissions. These policies have been shown to be consistent the GHG reduction goals in the 2016 RTP and would not conflict with this plan. However, CARB's 2017 Scoping Plan states that plan-level projects should demonstrate reductions in GHG emissions levels consistent with statewide targets. The General Plan Update does include policies that would help to reduce overall GHG emissions in the County to support achievement of the statewide GHG reduction targets. However, it is unknown at this time what level of GHG reductions these General Plan policies would achieve. Projected development under the General Plan would result in annual GHG emissions of 5.2 MTCO_{2e} per service population in Tuolumne County by 2040 and would remain above the 2040 statewide

threshold of 3.1 MTCO_{2e} per service population which demonstrates how plan-level projects would remain consistent with the statewide reduction targets. Therefore, implementation of the General Plan Update would potentially conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs, specifically the 2017 Scoping Plan. This impact is significant.

Noise

Expose New Sensitive Land Uses to Traffic Noise: Projected development under the General Plan Update includes the construction of future residences and other noise-sensitive land uses in close proximity to existing transportation noise sources and will be exposed to noise levels exceeding the maximum allowable range. In some cases, roadway noise levels reach 74.7 dBA CNEL and would require new development to achieve an approximate 15 dBA reduction in noise to meet exterior noise standards of 60 dBA CNEL. General Plan Update policies and implementation programs require new development to conduct site-specific acoustical analysis and include measures to minimize noise exposure and meet County noise standards. However, at the County-wide scale of this analysis, without knowing the specific location, design, orientation, and type of development projects, it cannot be determined with certainty whether adequate noise reduction can be achieved, and this impact is significant.

Expose Existing Sensitive Receptors to Traffic-Noise Increases: Projected development under the General Plan Update would increase traffic and associated noise levels along area highways and roadways in Tuolumne County, thereby exposing existing land uses to increased traffic noise. Within the General Plan Update's 2040 planning horizon, receptors along County roadways could experience noise level increases that exceed thresholds. Transportation-related policies aim to reduce automobile use and increase the use of alternatives modes of transit. Traffic noise would still result in a 3 dB increase on one County road segment. While this is a very limited area, compared to the overall County, that would experience this type of noise increase, this impact is significant.

Expose Sensitive Receptors to Construction Noise Levels that Exceed Applicable Standards: Construction of individual projects under the General Plan Update could produce noise levels ranging from 90.9 to 96.6 dBA L_{max} at 50 feet from the source. Depending on the location, intensity, and timing of future construction activities, existing or new sensitive receptors could be exposed to disruptive nighttime construction activity. General Plan Update policies require construction activities to implement all available noise reducing measures but do not ensure nighttime noise levels will not exceed thresholds in all cases. This impact is significant.

Expose Sensitive Receptors to Construction Vibration Levels that Exceed Applicable Standards: Projected development under the General Plan Update could produce vibration levels that could potentially affect adjacent sensitive land uses. Such vibration could cause temporary disturbance to nearby receptors. This impact is significant.

Transportation and Circulation

Impacts to Roadway Segment Operations: Projected development under the General Plan Update would generate vehicle trips that would result in level of service (LOS) deficiencies to roadway segments within the local circulation system based on a threshold of LOS D. The fiscally constrained roadway improvements planned in the 2016 RTP (Tier 1a, 1b, and 1c) are intended to address projected deficiencies for roadway segments within the County. However, after the identified improvements are implemented, fifteen roadway segments could still operate at deficient LOS. Impacts are potentially significant.

Impacts to Intersection Operations: Projected development under the General Plan Update would increase traffic volumes at intersections throughout Tuolumne County. Intersection improvements planned in the 2016 RTP are intended to address projected deficiencies at intersections within the County. The fiscally constrained roadway improvements planned in the 2016 RTP (Tier 1a, 1b, and 1c) are intended to address projected deficiencies at intersections within the County. However, after the identified improvements are implemented, three intersections could still operate at deficient LOS. Impacts are potentially significant.

2. Scope of Necessary Findings and Considerations for Project Alternatives

As noted above, these Findings address whether the various alternatives substantially lessen or avoid any of the significant impacts associated with the General Plan Update and then consider the feasibility of each alternative. Under CEQA, as noted earlier, “[f]easible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines, § 15364.) The concept of feasibility permits agency decisionmakers to consider the extent to which an alternative is able to meet some or all of a project’s objectives. In addition, the definition of feasibility encompasses “desirability” to the extent that an agency’s determination of infeasibility represents a reasonable balancing of competing economic, environmental, social and technological factors supported by substantial evidence.

These Findings consider the extent to which the alternatives are able to meet the project objectives, as described in the EIR and in Section III.B, above.

B. Alternatives Considered but Dismissed from Further Evaluation

Reduced Development Alternative

The County considered a Reduced Development Alternative that would result in less overall development in the county. The County dismissed this alternative from further consideration because 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 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 (e.g., 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 Board concurs with the conclusions in the EIR rejecting the Reduced Development Alternative as infeasible. (RDEIR, p. 6-4.)

Existing Capacity Alternative

The County considered an Existing Capacity Alternative, which would limit development to existing buildable vacant and underused properties and would focus on renovation and reuse of these properties. This alternative would severely limit the size and type of development that could occur within the County because all potential development would be confined to a limited number of parcels. Many of the vacant parcels are located near Pine Mountain Lake in Groveland and are designed to accommodate vacation rentals. It is also probable that a large portion of other vacant parcels have severe development constraints, such as steep slopes and lack of access to roads, water, and other utilities. This alternative is not consistent with Project objectives related to development flexibility. The Board concurs with the conclusions in the EIR rejecting the Existing Capacity Alternative as infeasible. (RDEIR, p. 6-4; Final EIR, Response to Comment 05-7, pp. 3-200 through 3-201.)

Conservation Alternative

The County considered a Conservation Alternative, which would prioritize protection of natural, agricultural, and cultural resources, and recreation access. Between the 2015 Draft General Plan Update and release of the RDEIR, several policies were revised to further prioritize resource protection including policies related to oak woodland protection. The RDEIR concludes that, with implementation of mitigation measures, impacts to biological resources are less than significant. The RDEIR also concludes that impacts related to recreation are less than significant. For these reasons, the County dismissed the Conservation Alternative from further consideration. The Board concurs with the conclusions in the EIR rejecting the Conservation Alternative. (RDEIR, p. 6-4, Final EIR, Response to Comment 05-7, pp. 3-200 through 3-201.) The RDEIR did, however, consider additional alternatives to potentially reduce impacts to agricultural and cultural resources.

C. Alternatives Analyzed in the EIR

The EIR identified and compared environmental effects of the six alternatives listed below with the environmental impacts resulting from the General Plan Update. The EIR evaluated the following alternatives to the General Plan Update:

Alternative 1: No Project Alternative

CEQA Guidelines section 15126.6(e), requires every EIR to include a No Project Alternative. “The purpose of describing and analyzing a no project alternative is to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.” In general, this alternative should discuss “existing conditions ... as well as

what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.” Consistent with this obligation, “where failure to proceed with the project will not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project’s non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment.” (*Id.* at subd. (e)(3)(B).)

Under the No Project Alternative (Alternative 1), implementation of the General Plan Update would not occur. The 1996 General Plan’s land use diagram would be retained and the existing policies in the 1996 General Plan would remain in effect. The historic and current trend of primarily low-density suburban and rural development would continue. This alternative would require full dependency on automobiles for most residences of Tuolumne County because walkable communities, defined as a 5-minute walk (0.25 mile) between home and the core of a community (shopping, jobs, recreation, community facilities and transit), would exist only within community cores. Policies would not promote a focus on developing within the communities, and it could be expected that sprawling development would persist. (RDEIR, pp. 6-6 through 6-11.)

1. Potential Impacts of the No Project Alternative in Comparison to the Project

Aesthetics

Whereas the General Plan Update would minimize impacts to scenic vistas from locally-designated scenic routes by promoting development primarily within identified communities, the No Project alternative would not discourage continued suburban and rural low-density residential and other development outside of identified communities. Substantial new residential development in rural areas could adversely affect existing scenic vistas. Although existing policies in the 1996 General Plan to protect scenic vistas would continue to apply, as would the Hillside and Hilltop Guidelines and Guidelines for Development Along Scenic Routes for discretionary permits, the continuation of existing suburban development patterns would increase impacts associated with this alternative relative to the General Plan Update.

This alternative also would increase the geographic extent of changes to the County’s predominantly rural character by accommodating more suburban low-density residential and other development outside the boundaries of identified communities.

Unlike the General Plan Update, the No Project alternative would not include policies to limit the illumination of areas surrounding new development, and therefore impacts associated with the No Project alternative would be greater.

Agricultural Resources

The No Project alternative would not be subject to proposed Policy 8.A.2, which would facilitate conversion of agricultural land near developed areas. The General Plan Update includes policies and implementation programs to protect agricultural land from conversion, including policies to promote agritourism to increase the viability (and reduce conversion pressure) of agricultural land, and mitigation measures are included in the EIR to reduce impacts to High-Value

Agricultural Land and Important Farmland. The No Project alternative would not be subject to these policies or mitigation measures. However, because the General Plan Update would result in the redesignation of 4,509 acres of agricultural land to non-agricultural use including redesignation of 134 acres of land currently under Williamson Act contract, impacts associated with the No Project alternative would be less than under the General Plan Update.

Future development under current land use designations also may result in incompatibilities where residential and agricultural uses would directly abut each other. Land use conflicts would be reduced through the separation of potentially conflicting land uses, continued application of the County's Right to Farm Ordinance, and implementation of existing General Plan policies. Impacts related to land use compatibility with agricultural land would be similar.

As with the General Plan Update, existing timberland would remain in timber production under this alternative. Impacts to timberland would be similar.

Air Quality

Construction activities associated with future development under the No Project alternative would have the potential to result in temporary adverse impacts on air quality in Tuolumne County. Without the addition of policies to control emissions during construction of individual projects, impacts would be greater than under the General Plan Update.

The No Project alternative does not incorporate increased density and other VMT reducing land use strategies that are included with the General Plan Update. Therefore, the overall impacts associated with the No Project alternative would be somewhat greater than under the General Plan Update.

The No Project alternative also may result in greater impacts than the General Plan Update, which includes policies to avoid impacts from toxic air pollution.

Biological Resources

The No Project alternative would result in greater impacts to special-status plants, animals, riparian areas and other sensitive habitat, wetlands, and/or migratory wildlife corridors outside identified communities than the General Plan Update.

Cultural Resources

The No Project alternative would have greater potential impacts on archaeological resources because it would allow ground-disturbing development in a greater area of Tuolumne County relative to the General Plan Update. On the other hand, the less compact pattern of development and less of a focus (compared to the General Plan Update) on development in identified communities, where historic properties are more common, may result in less disturbance of the historic built environment. Adherence to State regulations would preserve human remains unearthed during future construction, and policies in the existing General Plan would protect historic and archaeological resources on a case-by-case basis. However, mitigation would be required to protect potential paleontological resources from future development. Impacts on cultural resources would be greater in some instances and less in others than under the General Plan Update; therefore, overall, the impact would be similar.

Energy

Development under the No Project alternative would increase electricity and propane consumption because it would not be subject to the General Plan Update policies and implementation programs that would promote transit-oriented development, improved accessibility for alternative modes of transportation, and increased transit availability.

Global Climate Change

Although the County would continue to apply project-level GHG thresholds for discretionary entitlements, the continuation of existing land use trends under the No Project alternative would be inconsistent with the goals of applicable GHG reduction plans and policies, including the adopted Tuolumne County Regional Blueprint Greenhouse Gas Study and Statewide goals under AB 32 and SB 32. Whereas the General Plan Update's land use scenario is designed to promote more centralized development to reduce VMT and transportation-related GHG emissions, this alternative would require auto dependency for many parts of Tuolumne County. Walkable communities, defined as a 5-minute walk (0.25 mile) between home and the core of a community, shopping, jobs, recreation, community facilities and transit, would exist only within community cores. Further, under the No Project Alternative, the County would not prepare a comprehensive plan for GHG reduction that identifies specific measures to reduce countywide and adaptation strategies for the County to appropriately adjust to the environmental effects of climate change (as required under Policy 18.A.1 of the General Plan Update). Therefore, impacts would be greater for the alternative than for the General Plan Update.

Land Use and Planning

The No Project alternative would have greater impacts related to inconsistency with the Tuolumne Tomorrow Regional Blueprint because the land use pattern would result in greater demands on public services, above average public service costs and greater degradation of valuable resources, and would be inconsistent with the Tuolumne Tomorrow Regional Blueprint's policies that are intended to protect environmental resources by reducing dispersed development.

Noise

Similar to the General Plan Update, the No Project alternative would facilitate development that exposes existing sensitive receptors to noise and vibration from new construction. New and existing noise-sensitive land uses also would be exposed to traffic noise, aircraft-related noise, and noise generated from operational stationary noise sources; in comparison with the General Plan Update, the less compact land use pattern in this alternative would place fewer new sensitive receptors in more developed environments with higher traffic noise levels. The existing General Plan includes policies to reduce noise exposure by enforcing the County's noise standards, considering noise impacts from new projects on sensitive land uses, identifying potential noise conflicts early in the review process for proposed developments, and ensuring land use compatibility. This alternative would be subject to existing standards in Figure 5.C of the County's Noise Element that require new development within Noise Impact Areas identified in the Tuolumne County Airport Land Use Compatibility Plan to be located and designed to minimize aircraft-related noise exposure. The No Project alternative would have greater impacts related to aircraft noise, construction noise and vibration, and railroad noise because it would not

include policies to address construction noise and vibration impacts and to buffer new sensitive uses from railroad tracks.

Transportation and Circulation

Because the No Project alternative would allow a similar amount of residential, commercial, and industrial development to the General Plan Update, this development would generate a similar amount of vehicular trips. Trip generation and trip length would be greater because of a scattered land use pattern that promotes dependency on automobiles. Similar to the General Plan Update, the increase in vehicle trips would cause deficiencies in traffic flow at roadway segments and intersections.

The No Project alternative's auto-dependent land use pattern would not reduce existing design hazards for pedestrian and bicyclists in the County. As proposed, new goals and policies to increase pedestrian and bicyclist safety and walkability would not apply to the No Project alternative; impacts from design hazards would be greater.

As with the General Plan Update, development facilitated by current land use designations would be subject to applicable County standards and fire code standards, which require emergency access provisions. Compliance with existing requirements would ensure that adequate emergency access would be provided for by all new development.

Overall, VMT within the Tuolumne County region would increase as a result of regional population growth. However, as discussed in Section 3.16, "Transportation and Circulation," overall VMT would be greater under the No Project alternative (approximately 2,168,520 VMT) compared to the General Plan Update (approximately 2,152,846 VMT) in the year 2040. The higher VMT under this alternative is primarily because land use changes that are included as part of the General Plan Update which are intended to reduce VMT would not occur under this alternative.

2. Feasibility of the No Project Alternative

The No Project alternative meets some of the Project objectives, including delivery of efficient and cost-effective public services and minimizing restrictions and requirements that can delay development. However, the No Project alternative does not meet most of the Project objectives. Implementation of the 1996 General Plan does not reflect the current values and vision of the communities or the latest legal, statutory, scientific, and technical changes and advancements. It also does not (compared to the General Plan Update) enhance the nature of identified communities, promote stewardship of natural resources, or conserve historic resources. The General Plan Update reflects the Board's careful balancing of economic, environmental, social, and technological factors, and the No Project alternative would not reflect that balancing.

For these reasons, the Board rejects Alternative 1 as infeasible.

Alternative 2: Public Services

The Public Services alternative would allocate new development at higher densities in locations closer to multiple public services, such as major transportation corridors, transit lines, public water and sewer, and parks. This alternative would focus growth based on the general availability of public infrastructure and services. Development would continue to grow within identified communities; however, in contrast to the General Plan Update, development also would radiate outward along a select number of arterials, major collectors, and transit corridors where public water and sewer exist. This radial development would create linear communities containing a mix of multi-family housing, townhouses, neighborhood commercial, and traditional neighborhoods. This alternative would result in more dependency than the General Plan Update on automobiles for residents residing beyond transit corridors and community cores. The amount of mixed use land uses would increase by placing these uses in close proximity to transit stations and community cores, thereby increasing walkability in these areas. The policies and implementation programs in the General Plan Update would still apply to this alternative (including expansion of agritourism and associated changes to Title 17 of the County's Ordinance Code), with the exception of those that are narrowly tailored to focus development within identified communities. (RDEIR, pp. 6-11 through 6-15.)

1. Potential Impacts of Alternative 2 in Comparison to the Project

Aesthetics

New development would be associated with roadways under the Public Services alternative that would branch out further from the identified communities. New development could adversely affect existing scenic vistas of rural landscapes from portions of SR 49 and 108 that are locally designated scenic corridors. Impacts associated with the Public Services alternative would be greater than the General Plan Update.

Agricultural Resources

Impacts to High-Value Agricultural Land, Important Farmland, and Williamson Act land would be incrementally greater than those of the General Plan Update because the area of potential disturbance would expand to include agricultural land along transportation corridors, potentially including additional land currently under Williamson Act contracts. As with the General Plan Update, existing timberland would remain in timber production under this alternative. Potential land use conflicts would be reduced through the separation of potentially conflicting land uses, proposed policies, and application of the County's Right to Farm Ordinance. Impacts would be similar to those identified for the General Plan Update.

Biological Resources

Implementation of the Public Services alternative would result in greater impacts to biological resources as more ground disturbance would occur for development in rural areas along transportation corridors. This would result in incrementally greater impacts to special status plants, animals, riparian areas and other sensitive habitat, wetlands, an/or migratory wildlife corridors outside developed areas than anticipated under the General Plan Update. Impacts would be greater under the Public Services alternative than under the General Plan Update.

Cultural Resources

This alternative would have incrementally greater impacts on cultural resources because it would facilitate ground-disturbing development in a greater area of Tuolumne County. As with the General Plan Update, proposed policies would protect historic and archaeological resources on a case-by-case basis, and adherence to State regulations would preserve human remains unearthed during construction. Nevertheless, development could adversely affect historical and unique archaeological resources and avoidance of historical and unique archaeological resources may not be possible. However, overall, impacts to cultural resources would be greater than those described for the General Plan Update.

Global Climate Change

Although the County would continue to apply project-level GHG thresholds for discretionary entitlements, the land use scenario under the Public Services alternative would be inconsistent with the goals of applicable GHG reduction plans and policies, including the adopted Tuolumne County Regional Blueprint Greenhouse Gas Study and AB 32/SB 32. Whereas the General Plan Update's land use scenario is designed to centralize development in communities, this alternative would allow development in transportation corridors outside of communities. Impacts related to consistency with applicable GHG reduction plans and policies would be greater.

Noise

The Public Services alternative would have similar impacts to the General Plan Update from construction and operational noise. Existing sensitive receptors would be subject to noise and vibration from new construction, and new and existing noise-sensitive land uses would be exposed to transportation noise. However, proposed policies would reduce noise exposure.

Similar to the General Plan Update, this alternative would facilitate development that could be exposed to noise generated from operational stationary noise sources and aircraft. However, proposed policies to enforce noise standards for new development would reduce noise exposure. These impacts would be similar to the General Plan Update. Because the Public Services would likely result in development occurring in the vicinity of railroad tracks, impacts from exposure to railroad noise and vibration would also be similar.

Transportation and Circulation

Because the Public Services alternative would facilitate a similar amount of residential, commercial, and industrial development to the General Plan Update, this alternative would generate a similar amount of vehicular trips. Similar to the General Plan Update, the increase in vehicle trips would cause deficiencies in traffic flow at roadway segments and intersections. Although implementation of Mitigation Measures 3.16-1 and 3.16-2 would reduce traffic impacts on roadway segments and at intersections, impacts would remain significant because implementation of these measures may not be feasible.

Similar to the General Plan Update, implementation of proposed policies relating to traffic calming and improving walkability and bikeability would reduce potential impacts from design hazards. Buildout of this alternative also would not substantially increase the use of available public transit resources and would not have a significant impact on existing or planned pedestrian and bicycle infrastructure. As with the General Plan Update, development facilitated by this alternative would be subject to applicable County standards and fire department

standards, which require emergency access provisions. Compliance with existing requirements would ensure that adequate emergency access would be provided for by all new development.

Overall, VMT within the Tuolumne County region would increase as a result of regional population growth. However, overall VMT would be greater under the Public Services alternative (approximately 2,167,632 VMT1) compared to the General Plan Update (approximately 2,152,846 VMT) in the year 2040.

2. Feasibility of Alternative 2

This alternative meets the overall objectives of the General Plan Update because it would implement the same policies and would only slightly change the development pattern, resulting in less centralized development. This development pattern would be inconsistent with the General Plan Update objective related to enhancing the unique nature of identified communities. In addition, Alternative 2 would not reduce any of the impacts as compared to the General Plan Update, and some impacts would be greater.

The General Plan Update reflects the Board's careful balancing of economic, environmental, social, and technological factors, and Alternative 2 would not reflect that balancing.

For these reasons, the Board rejects Alternative 2 as infeasible.

Alternative 3: Recent Trends, Proposed

This alternative represents an intermediate land-use scenario with a density in-between the conditions in the year 2010 (prior to the adoption of the Tuolumne Tomorrow Regional Blueprint and the adoption of the Distinctive Communities Growth Scenario) and the General Plan Update. This alternative would generally continue the existing pattern of development, in which low density residential is the primary type of residential development. This alternative would require more auto dependency for many parts of Tuolumne County because walkable communities, defined as a 5-minute walk (0.25 mile) between home and the core of a community, shopping, jobs, recreation, community facilities and transit, would exist only within community cores. This alternative would promote more development near identified communities, somewhat similar to the General Plan Update, but not to the same level or density as the General Plan Update. Thus, while this alternative would have some similar goals and policies for land use as the General Plan Update, it would also maintain some of the existing development trends similar to conditions prior to the year 2010 (when the Tuolumne Tomorrow Regional Blueprint was adopted). The policies and implementation programs in the General Plan Update would still apply to this alternative (including expansion of agritourism and associated changes to Title 17 of the County's Ordinance Code), with the exception of ones that are narrowly tailored to focus development within identified communities. (RDEIR, pp. 6-15 through 6-20.)

1. Potential Impacts of Alternative 3 in Comparison to the Project

Aesthetics

The Recent Trends, Proposed Alternative would not include all of the General Plan Update policies that minimize impacts to scenic vistas from locally designated scenic routes by encouraging residential development near identified communities. New residential development in rural areas could adversely affect existing scenic vistas of agricultural and natural landscapes from portions of SR 49 and SR 108 that are locally designated scenic corridors. Impacts associated with Alternative 3 would be greater than with the General Plan Update.

Agricultural Resources

Because this alternative would retain existing land use designations and would generally continue the existing pattern of more dispersed development, the area of potential disturbance would expand to include agricultural land outside of identified communities. Impacts to High-Value Agricultural Land, Important Farmland, and Williamson Act land would be incrementally greater than those of the General Plan Update and would remain significant and unavoidable.

As with the General Plan Update, existing timberland would remain in timber production under this alternative. Impacts to timberland would be similar to the General Plan Update. This alternative also would alter the present land use pattern in portions of the County, but land use conflicts between residential and agricultural uses would be reduced through the separation of potentially conflicting land uses, proposed policies, and application of the County's Right to Farm Ordinance. Impacts would be similar to the General Plan Update.

Cultural Resources

This alternative would have incrementally greater impacts on cultural resources, in part because it would allow ground-disturbing development in a greater area of Tuolumne County. On the other hand, the less compact pattern of development may result in less disturbance of the historic built environment. As with the General Plan Update, proposed policies would protect historic and archaeological resources on a case-by-case basis, and adherence to State regulations would preserve human remains unearthed during construction. Overall impacts on cultural resources, similar to the General Plan Update, would be significant and unavoidable; however, the impact would be slightly greater under Alternative 3, due to the larger overall disturbance area.

Global Climate Change

Relative to the General Plan Update, this alternative would result in a similar amount of construction-related GHG emissions. Furthermore, this alternative would allow less centralized development, which would result in some dependency on automobiles for residents residing beyond transit corridors and community cores and would increase VMT and mobile emissions in the County. Although the County would continue to apply project-level GHG thresholds for discretionary entitlements, the general continuation of existing land use trends under this alternative would be largely inconsistent with the goals of applicable GHG reduction plans and policies, including the adopted Tuolumne County Regional Blueprint Greenhouse Gas Study and AB 32/SB 32. Whereas the General Plan Update's land use scenario is designed to centralize development to reduce VMT and transportation-related GHG emissions, this alternative would likely result in a greater amount of residential development outside of identified communities. This alternative would require auto dependency for many parts of Tuolumne County, because walkable communities, defined as a 5-minute walk (0.25) mile between home and the core of a community, shopping, jobs, recreation, community facilities and transit, would exist only within

identified community cores. Because this land use scenario would be largely inconsistent with applicable plans and policies to reduce GHG emissions, impacts would be greater than for the General Plan Update.

Noise

The Recent Trends, Proposed alternative would have similar impacts to the General Plan Update from construction and operational noise. Existing sensitive receptors would be subject to noise and vibration from new construction, and new and existing noise-sensitive land uses would be exposed to transportation noise. In comparison with the General Plan Update, the less compact land use pattern in this alternative would place fewer new sensitive receptors in developed environments with higher traffic noise levels. Proposed policies also would reduce noise exposure. These impacts would be similar to the General Plan Update.

Similar to the General Plan Update, this alternative would facilitate development that could be exposed to noise generated from operational stationary noise sources and aircraft. However, proposed policies to enforce noise standards for new development would reduce noise exposure. These impacts would be similar to the General Plan Update. Impacts from exposure to railroad noise and vibration would also be similar to the General Plan Update.

Transportation and Circulation

Because the Recent Trends, Proposed alternative would facilitate a similar amount of residential, commercial, and industrial development to the General Plan Update, this development would generate a similar amount of vehicular trips. However, the more scattered land use pattern under this alternative would likely result in greater auto-dependency, a slight increase in trip generation, and longer trip lengths. The increases in trip generation and trip length would cause greater deficiencies in traffic flow at roadway segments and intersections. Although, similar to the General Plan Update, implementation of mitigation measures would reduce traffic impacts on roadway segments and at intersections, impacts would likely be slightly greater than the General Plan Update.

Similar to the General Plan Update, implementation of proposed policies relating to traffic calming and improving walkability and bikeability would reduce potential impacts from design hazards to a less than significant level. Buildout of this alternative also would not incrementally increase the use of available public transit resources and would not have a significant impact on existing or planned pedestrian and bicycle infrastructure. As with General Plan Update, development facilitated by this alternative would be subject to applicable County standards and fire department standards, which require emergency access provisions. Compliance with existing requirements would ensure that adequate emergency access would be provided for by all new development. Impacts would be similar to the General Plan Update.

Overall, vehicles miles traveled (VMT) within the Tuolumne County region would increase as a result of regional population growth. However, overall VMT would be greater under the Recent Trends, Proposed alternative (approximately 2,167,134 VMT) compared to the General Plan Update (approximately 2,152,846 VMT) in the year 2040. The higher VMT under this alternative is primarily because land use changes that are included as part of the General Plan Update which are intended to reduce VMT would not occur under this alternative.

2. Feasibility of Alternative 3

This alternative meets most of the overall objectives of the General Plan Update because it would implement the same policies but would change the development pattern and type, resulting in more dispersed, lower density development. This development pattern is inconsistent with the General Plan Update objectives related to enhancing the unique nature of identified communities, providing efficient public services, and promoting stewardship of natural resources. In addition, Alternative 3 would not reduce impacts as compared to the General Plan Update, and some impacts would be greater.

The General Plan Update reflects the Board's careful balancing of economic, environmental, social, and technological factors, and the Alternative 3 would not reflect that balancing.

For these reasons, the Board rejects Alternative 3 as infeasible.

Alternative 4: Historic Structure Preservation

The Historic Structure Preservation alternative is designed to reduce significant impacts to historic resources that could potentially result from projected development under the General Plan Update. This alternative would result in a similar level of development as the General Plan Update and would result in an overall pattern of development consistent with the General Plan Update. However, under this alternative, policy provisions would be included that would prohibit, with some exceptions, demolition or substantial alteration of a significant historic structure. The policy would focus on preserving historic structures that are in habitable/occupiable condition and that are eligible for listing on the California Register of Historical Resources (CRHR) or the National Register of Historic Places. Exceptions to the policy would include proposed demolition or substantial alteration of structures that are not eligible for listing or structures that are eligible but are not in a habitable/occupiable condition (or otherwise demonstrated to be in a condition that would result in an extraordinary financial burden to preserve and maintain). Other than the policies related to historic resources, the policy framework of this alternative would be similar to the General Plan Update (including expansion of agritourism and associated changes to Title 17 of the County's Ordinance Code). (RDEIR, pp. 6-20 through 6-22.)

1. Potential Impacts of Alternative 4 in Comparison to the Project

Because the Historic Structure Preservation alternative differs from the General Plan Update only in terms of policies related to historic structures, these findings focus only on impacts that involve historic resources: Aesthetics and Cultural Resources. All other environmental impacts associated with the alternative would be substantially similar to the General Plan Update. It should be noted that although the restrictions identified in this alternative could result in some constraints to redevelopment in identified communities where historic structures are more concentrated, given the limited number of known historic resources in these communities (there are currently 19 NRHP listings and 20 California Historical Landmarks in the County), it is not likely that the restrictions for altering known or currently unknown historic structures would

pose a major impediment to overall infill/redevelopment within identified communities. Therefore, it is not assumed that this alternative would result in more development locating outside identified communities.

Cultural Resources

This alternative would limit redevelopment in communities where there are known historical resources (e.g., the communities of Columbia, Groveland, Jamestown, and Tuolumne). With implementation of the Historic Structure Preservation alternative, direct effects on known historical resources, including 19 NRHP listings and 20 California Historical Landmarks, would generally be avoided. By prohibiting the demolition or substantial alteration of a significant historic structure, this alternative would limit the potential for a change in the historical significance of these existing resources. In addition, General Plan Update policies and existing regulations pertaining to the protection of cultural resources would reduce impacts to such resources, as identified for the proposed plan.

This alternative would generally avoid impacts to significant historical resources, but provides exceptions where demolition or substantial alteration of structures could still occur. Effects on historical structures would be substantially reduced. However, because a change in the significance of a historical resource could still occur, and recordation of a significant historic resource does not constitute adequate mitigation for a substantial adverse change to that resource, impacts would remain significant and unavoidable. Nevertheless, this alternative would result in less impacts to historic resources than the General Plan Update.

2. Feasibility of Alternative 4

Alternative 4 would meet some of the overall Project objectives; however, the alternative may present challenges for accommodating projected growth while defining where and how development would occur. The alternative would, similar to the General Plan Update, focus development within identified communities, and historic structures are more common and more concentrated in existing developed communities. As mentioned above, avoiding significant historic structures, as required by the alternative, could pose a constraint to individual rehabilitation/redevelopment projects within identified communities that contain these resources. This alternative is inconsistent with Project objectives to achieve and enable maximum flexibility for development, minimize or eliminate restrictions and requirements that can increase costs and delays of development, and allowing residents and property owners to use their land to the maximum extent of the law while respecting the values of the community. This alternative would also be less effective in meeting the objectives of promoting the delivery of efficient and cost-effective public services and promoting development within the County that is designed to fit the needs of the County's residents, businesses, and visitors.

The General Plan Update reflects the Board's careful balancing of economic, environmental, social, and technological factors, and Alternative 4 would not reflect that balancing.

For these reasons, the Board rejects Alternative 4 as infeasible.

Alternative 5: Williamson Act Property Preservation

The Williamson Act Property Preservation alternative is identical to the General Plan Update, except for the 134 acres of land under Williamson Act contract that would not be redesignated from Agricultural to residential use. Generally, preserving 134 additional acres of undeveloped agricultural land would result in reduction of environmental impacts related to construction and operation of development that would be anticipated under the General Plan Update. This is because there would be less grading and other ground disturbance and there would likely be lower VMT (and associated air pollutant and GHG emission) because housing would not be provided on these relatively rural agricultural properties. On a countywide basis, 134 acres constitutes a fraction of 1 percent of the total number of acres designated for development under the General Plan Update; therefore, preserving this land constitutes only a minor impact reduction for most environmental issue areas. The exception is Agricultural Resources. (RDEIR, pp. 6-22 through 6-6-23.)

1. Potential Impacts of Alternative 5 in Comparison to the Project

Agricultural Resources

As shown in Figure 3.2-1 in the RDEIR, a substantial portion of western Tuolumne County (122,905 acres) is under Williamson Act contracts for the preservation of agricultural land. The General Plan Update redesignates 134 acres of individual agricultural parcels that are currently under Williamson Act contracts to residential uses. The Williamson Act Property Preservation alternative does not redesignate any land currently under Williamson Act contract.

The Williamson Act Property Preservation alternative would reduce impacts associated with the loss of High-Value Agricultural Land and Important Farmland because land under Williamson Act contract would not be re-designated. However, 4,379 acres of agricultural land would continue to be redesignated. With implementation of Mitigation Measure 3.2-1, this impact would remain significant and unavoidable. The potential for conflicts with forest and timber land, as well as conflicts between agricultural land use and the identified communities would remain less than significant.

The Williamson Act Property Preservation alternative would not result in conflict with the overarching intent of the Williamson Act. In addition, this alternative would be subject to the same policies as the General Plan Update, including those designed to reduce indirect pressure to convert agriculture to non-agricultural uses through limiting the expansion of public services and requiring land use buffers. Conflicts with Williamson Act contracts would be reduced, but the proposed redesignation of 1,397 acres of land in Tuolumne County that are currently within an agricultural preserve would continue to be a significant impact.

2. Feasibility of Alternative 5

The Williamson Act Preservation alternative would achieve some of the General Plan Update objectives, including those that promote stewardship of the County's natural resources. However, because land use designations would be based on the presence of Williamson Act contracts, some of which are currently in non-renewal and the remainder of which could go through the

non-renewal process during the life of the General Plan Update, this alternative would unnecessarily restrict the development potential of 134 acres. This alternative would be less effective at meeting the objectives of minimizing or eliminating restrictions and requirements that can increase delays and/or the cost to development, and allowing residents and property owners to use their land to the maximum extent of the law, while respecting the values of the community. This alternative would also be less effective in meeting the objectives of promoting the delivery of efficient and cost-effective public services and promoting development within the County that is designed to fit the needs of the County's residents, businesses, and visitors.

The General Plan Update reflects the Board's careful balancing of economic, environmental, social, and technological factors, and the Alternative 5 would not reflect that balancing.

For these reasons, the Board rejects Alternative 5 as infeasible.

Alternative 6: Modified Public Services

Public comments received on the originally circulated Draft EIR recommended the EIR evaluate a Modified Public Services Alternative. This alternative would be aimed at reducing impacts to the environment associated with development occurring in more rural areas. Development in rural areas can result in greater VMT and associated impacts to roadway congestion and air quality. The land use map within the identified communities would be the same as the General Plan Update. Given the projected growth rate, it is assumed that all growth could be accommodated within the identified communities without increasing the allowable development densities on these parcels. Therefore, as identified in Table 6-1, the level of development is assumed to be similar to the development projected to occur under the General Plan Update.

The Modified Public Services Alternative would be designed to reduce the potential for new development to occur outside identified communities by providing similar incentives as the General Plan Update for encouraging growth within identified communities, but going further than the General Plan Update by creating disincentives for development in rural areas. Similar to Alternative 2: Public Services, the Modified Public Services Alternative would result in development more concentrated in locations closer to multiple public services, such as major transportation corridors, transit lines, public water and sewer, and parks. This alternative would focus growth based on the general availability of public infrastructure and services. However, unlike Alternative 2, development would primarily be confined within identified communities and would not, to the same degree, radiate outward along a select number of arterials, major collectors, and transit corridors where public water and sewer exist. Growth in rural areas would be further constrained by placing more rigorous limitations on the expansion of infrastructure beyond identified community boundaries. Also under this alternative, none of the land located outside identified communities would be redesignated from Agriculture to a non-agricultural use (i.e., a use not intended for commercial agriculture as the primary use and that allows residential or commercial development), which would prevent over 3,200 acres of land currently designated Agriculture from being redesignated to a nonagricultural use, including 134 acres of land under Williamson Act contract, plus approximately 63 acres for which the landowners have filed non-renewal notices. (Note that these acreage numbers differ from other discussions because they do not include land within identified communities.) Moreover, nearly all development would be

expected to occur in identified communities. Overall, the policy framework under this alternative would be similar to the General Plan Update (including expansion of agritourism and associated changes to Title 17 of the County Ordinance Code), but, as discussed above, would include some additional disincentives for development in areas outside identified communities. (RDEIR, pp. 6-23 through 6-28.)

1. Potential Impacts of Alternative 6 in Comparison to the Project

Agricultural Resources

This alternative would prevent the redesignation of over 3,200 acres of Agriculture (including nearly 200 acres of Williamson Act land) to a non-agricultural use. While not all of the 3,200 acres would convert to developed uses under the General Plan Update, and although the developed uses such as rural estates may incorporate agricultural uses, the amount of land converted from a primary agricultural use to a non-primary agricultural use would be reduced under the alternative. Although some redesignation of Agriculture would still occur within identified communities, this land is less likely to be considered High-Value Agricultural Land due to its proximity to existing development and infrastructure (which are considerations for evaluating High-Value Agricultural Land). Maintaining the Agriculture designation of nearly 200 acres of land currently under Williamson Act contract would also substantially reduce potential conflicts with the Williamson Act. Overall, the impact to agriculture would be substantially less under this alternative than the General Plan Update.

As with the General Plan Update, existing timberland would remain in timber production under this alternative. Impacts to timberland would be similar to the General Plan Update. This alternative also would alter the present land use pattern in portions of the County, but land use conflicts between residential and timber production uses would be slightly reduced through the separation of potentially conflicting land uses, proposed policies, and application of the County's Right to Farm Ordinance. Overall, impacts related to timber production would be similar to the General Plan Update.

Cultural Resources

This alternative would have incrementally fewer impacts on archaeological resources, in part because it would allow less ground-disturbing development in currently undeveloped areas of Tuolumne County. On the other hand, the compact pattern of development would result in more alteration to the historic built environment. As with the General Plan Update, proposed policies would protect historic and archaeological resources on a case-by-case basis, and adherence to State regulations would preserve human remains unearthed during construction. Overall impacts on historic resources, similar to the General Plan Update, would be significant and unavoidable; however, the impact would be slightly greater under the alternative, due to the greater potential for alteration of historical structures within the identified communities.

Global Climate Change

Relative to the General Plan Update, this alternative would result in a similar amount of construction-related GHG emissions. However, this alternative would promote centralized development, which could result in less dependency on automobiles for residents residing within transit corridors and community cores and could decrease VMT and mobile GHG emissions in

the County. The pattern of development under this alternative would be consistent with the goals of applicable GHG reduction plans and policies, including the adopted Tuolumne County Regional Blueprint Greenhouse Gas Study and AB 32/SB 32, and is anticipated to result in slightly less impact relative to the General Plan Update.

Noise

The Modified Public Services Alternative would have similar impacts to the General Plan Update from construction and operational noise. Existing sensitive receptors would be subject to noise and vibration from new construction, and new and existing noise-sensitive land uses would be exposed to transportation noise. In comparison with the General Plan Update, the more compact land use pattern in this alternative would place more new sensitive receptors in developed environments with higher traffic noise levels. However, proposed policies to enforce noise standards for new development would reduce noise exposure. These impacts would be similar to the General Plan Update.

Transportation and Circulation

Overall, VMT within the Tuolumne County region would increase as a result of regional population growth. Because the Modified Public Services Alternative would facilitate a similar amount of residential, commercial, and industrial development to the General Plan Update, this development would generate a similar (though fewer) number of vehicular trips. However, the less scattered land use pattern under this alternative would likely result in less auto-dependency, a slight decrease in trip generation, and shorter trip lengths. The decrease in trip generation and trip length would cause reduced deficiencies in traffic flow at roadway segments and intersections. VMT may be reduced in the year 2040 with the implementation of this alternative because there would be policies that disincentivize development outside of the identified communities. Impacts would likely be slightly less than the General Plan Update.

Similar to the General Plan Update, implementation of proposed policies relating to traffic calming and improving walkability and bikeability would reduce potential impacts from design hazards to a less than significant level. Buildout of this alternative also would incrementally increase the use of available public transit resources and would not have a significant impact on existing or planned pedestrian and bicycle infrastructure. As with General Plan Update, development facilitated by this alternative would be subject to applicable County standards and fire department standards, which require emergency access provisions. Compliance with existing requirements would ensure that adequate emergency access would be provided for by all new development. Impacts would be similar to the General Plan Update.

2. Feasibility of Alternative 6

The Modified Public Services Alternative achieves some of the General Plan Update objectives, including those that promote the delivery of efficient and cost-effective public services and stewardship of the County's natural resources. This alternative would be less effective at meeting the objectives of minimizing or eliminating restrictions and requirements that can increase delays and/or the cost to development, and allowing residents and property owners to use their land to the maximum extent of the law, while respecting the values of the community. In addition, by concentrating growth in the identified communities, development under this alternative would

conflict with goals related to conservation of historic resources and enhancing the unique nature of the identified communities.

The General Plan Update reflects the Board's careful balancing of economic, environmental, social, and technological factors, and Alternative 6 would not reflect that balancing.

For these reasons, the Board rejects Alternative 6 as infeasible.

X. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the preceding sections, the Board's approval of the General Plan Update will result in significant adverse environmental effects that cannot be avoided even with the adoption of all feasible mitigation measures, and there are no feasible project alternatives that would mitigate or substantially lessen the impacts. Despite these effects, however, the Board, in accordance with CEQA Guidelines section 15093, chooses to approve the General Plan Update because, in its view, the economic, social, and other benefits that the General Plan Update will produce will render the significant effects acceptable.

A. Significant and Unavoidable Impacts

The General Plan Update will result in the following significant and unavoidable impacts:

- Impact 3.2-1: Loss of High-Value Agricultural Land
- Impact 3.2-3: Conflict with Williamson Act Contracts or Agricultural Preserve Overlay Districts
- Impact 3.5-1: Change in the Significance of a Historical or Unique Archaeological Resource
- Impact 3.8-1: Generation of GHG Emissions, Either Directly or Indirectly
- Impact 3.8-2: Conflict with Any Applicable Plan, Polity, or Regulation for Reducing the Emission of GHGs
- Impact 3.12-1: Expose New Sensitive Land Uses to Traffic Noise
- Impact 3.12-2: Expose Existing Sensitive Receptors to Traffic-Noise Increases
- Impact 3.12-3: Expose Sensitive Receptors to Construction Noise Levels That Exceed Applicable Standards
- Impact 3.12-4: Expose Sensitive Receptors to Construction Vibration Levels That Exceed Applicable Standards
- Impact 3.16-1: Impacts to Roadway Segment Operations
- Impact 3.16-2: Impacts to Intersection Operations

B. Overriding Considerations

In the Board's judgment, the General Plan Update and its benefits outweigh its unavoidable significant effects. These findings are based on substantial evidence in the record. The following statements identify the specific reasons why, in the Board's judgment, the benefits of the General Plan Update as approved outweigh its unavoidable significant effects. Any one of these reasons is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not

every reason is supported by substantial evidence, the Board would stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and the documents found in the Record of Proceedings, which are described and defined in Section V, above.

- The General Plan Update reflects the current conditions in Tuolumne County, and reflects the County Board of Supervisors' goals. The General Plan Update incorporates and implements the County's 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.

These vision statements are incorporated throughout the General Plan Update, and implementation of the General Plan Update would encompass the County's vision of the future for residents and visitors.

- The General Plan Update aligns land use planning and transportation planning. Since 2007, the County has been participating in a Regional Blueprint planning process for directing future growth and enhancing the quality of life in the County over the next few decades. 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. The Preferred Growth Scenario allows identified communities to have 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 an identified community boundary. The General Plan Update reflects the preferred growth scenario in the Tuolumne Tomorrow Blueprint, and implements the objectives of the community and County decisionmakers. The General Plan Update was developed in conjunction with the 2016 RTP. The Tuolumne County Transportation Council also used the Distinctive Communities Growth Scenario as the basis for the RTP. Collaborative planning between the County and TCTC ensures cohesive, well-thought out communities and transit facilities.

- The County is required by law to regularly update its General Plan, and approval of the General Plan Update brings the County into compliance with those requirements.
- The General Plan Update provides guidance for determining the appropriate or desirable locations for growth within the County, thereby preventing an unnecessarily scattered pattern of development, which often results in extraordinary demands on public services, above average public service costs and unnecessary and avoidance destruction or degradation of valuable resources.
- Implementation of the General Plan Update will improve the quality of life and economic conditions for the residents of Tuolumne County.
- The General Plan Update works in concert with current local government policies and programs, to encourage more complete and economically self-sufficient communities, where residents can live, work and shop in the same community.
- The General Plan Update aligns the County's General Plan with current local, State, and federal laws.

C. Conclusion

The Board has balanced the benefits and considerations against the significant unavoidable effects of the Project and has concluded that the impacts are outweighed by the benefits. After balancing environmental costs against Project benefits, the Board has concluded that the benefits to the community, economy, and County general fund will derive from the General Plan Update outweigh the environmental risks. The Board believes the General Plan Update benefits outlined above override the significant and unavoidable environmental costs associated with the Project.

EXHIBIT F

**Tuolumne County General Plan Update
Project**

Mitigation Monitoring and Reporting Program

State Clearinghouse No. 2015082027

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

December 2018

Tuolumne County General Plan Update Project

Mitigation Monitoring and Reporting Program

State Clearinghouse No. 2015082027

PREPARED FOR:

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

CONTACT:

**Quincy Yaley, AICP
CRA Assistant Director - Development**

PREPARED BY:

**Ascent Environmental, Inc.
455 Capitol Mall, Suite 300
Sacramento, CA 95814**

CONTACT:

**Mike Parker, AICP
Project Manager**

December 2018

MITIGATION MONITORING AND REPORTING PROGRAM

The following Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines to provide for the monitoring of mitigation measures required of the proposed Tuolumne County General Plan Update, as set forth in the environmental impact report (EIR) prepared for the project.

Section 21081.6 of the California Public Resources Code and Section 15091(d) and 15097 of the State CEQA Guidelines require public agencies “to adopt a reporting or monitoring program for changes to the project which it has adopted or made conditions of project approval in order to mitigate or avoid significant effects on the environment.” An MMRP is required for the project because the EIR identified potentially significant adverse impacts related to implementation of the General Plan Update and mitigation measures have been identified to reduce those impacts.

This MMRP will be adopted by the Tuolumne County Board of Supervisors when it approves the project and will be kept on file at the Tuolumne County Community Resources Agency, 2 South Green Street, Sonora, CA 95370. Tuolumne County is responsible for taking all actions necessary to implement the mitigation measures under its jurisdiction according to the specifications provided for each measure and for demonstrating that the action has been successfully completed.

This MMRP is to be used by the Tuolumne County to ensure that all adopted mitigation measures identified in the EIR are implemented and that implementation is documented. Where the mitigation consists of changes to the text of the General Plan, the efficacy of this mitigation will be further monitored under Government Code Section 65400, which mandates that counties submit an annual report on the status of the General Plan and progress in its implementation to their legislative bodies, the Governor’s Office of Planning and Research, and the Housing and Community Development by April 1 of each year. These reports are intended to identify where modification to policies and implementation programs, included those edited herein through mitigation, are necessary to improve local implementation.

The MMRP is presented in tabular format. The table columns contain the following information:

Mitigation Measure: Provides the text of the mitigation measures (as amended through the Final EIR), each of which has been adopted and incorporated into the project. The numbering of mitigation measures follows the numbering sequence found in the EIR. Mitigation measures that are referenced more than once in the EIR are not duplicated in the MMRP table.

Implementation Responsibility: Identifies the entity responsible for complying with the requirements and conditions of the mitigation measure.

Timing: Lists the timeframe in which the mitigation will be implemented.

Verification: This column is to be dated and signed by the person (either project manager or his/her designee) responsible for verifying compliance with the requirements of the mitigation measure.

Table 2-1 Summary of Environmental Impacts and Mitigation Measures

Mitigation Measures	Implementation Responsibility	Timing	Verification
<p>3.2 Agricultural and Forest Resources</p>			
<p>Mitigation Measure 3.2-1: Evaluate 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: 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:</p> <ol style="list-style-type: none"> 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, 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. 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 	<p>Tuolumne County Community Resource Agency</p>	<p>Approval of the EIR and adoption of the General Plan Update (with annual monitoring pursuant to Government Code Section 65400)</p>	

Table 2-1 Summary of Environmental Impacts and Mitigation Measures

Mitigation Measures	Implementation Responsibility	Timing	Verification
<p>Importance) that would require purchase of conservation easements.</p> <p>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.</p>			
<p>Mitigation Measure: 3.2-3 Adopt an Implementation Program to Limit Growth-Inducing Public Services</p> <p>The County shall add the following implementation program under Policy 8.B.4 of the General Plan Update:</p> <p>Implementation Program 8.B.x [Specific numbering to be provided with Final General Plan Update]: Establish development standards to provide County staff with discretion to deny development that proposes to introduce growth-inducing public services like public sewer systems and potable public water into agricultural areas.</p>	<p>Tuolumne County Community Resource Agency</p>	<p>Approval of the EIR and adoption of the General Plan Update (with annual monitoring pursuant to Government Code Section 65400)</p>	
<p>3.4 Biological Resources</p>			
<p>Mitigation Measure 3.4-2: Implement Oak Woodland Mitigation Guidelines</p> <p>The following new implementation programs shall be added under General Plan Policy 16.B.5:</p> <p>Implementation Program 16.B.x [specific numbering to be provided in the Final General Plan Update]: When considering discretionary development proposals, the County, through CEQA reviews, will require that project applicants map oak woodland resources on the project site and, where feasible, establish buffers around existing oak woodland stands to prevent adverse effects. 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 for project-specific ground-truthing/field verification. The County will require implementation of BMPs while working near retained oak woodlands to avoid inadvertent damage to oak trees. BMPs will include establishment of no-disturbance buffers around the outer canopy edge to prevent root and crown damage, soil compaction, and standard management practices to reduce introduction and spread of invasive species and other indirect effects.</p> <p>For those impacts on oak woodland that cannot be avoided, the County will require the project applicant to minimize adverse effects. If substantial conversion of oak woodland will occur based on Implementation Program 16.B.j, the County will require one or more of the following mitigation measures be implemented to mitigate the impact from loss of oak woodland habitat pursuant to Public Resources Code Section 21083.4, (which specifies certain projects, including commercial agricultural production, are exempt from the requirements of Section 21083.4):</p> <ul style="list-style-type: none"> ▲ Conserve oak woodlands through the purchase of conservation easements. ▲ Plant acorns and container stock from a local seed source to replace oak woodland removed. The following parameters will be applied: <ul style="list-style-type: none"> ▣ Plant an appropriate number of trees, including maintaining plantings and replacing dead or diseased trees. ▣ Maintain trees for seven years after the trees are planted. ▣ 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. 	<p>Tuolumne County Community Resource Agency</p>	<p>Approval of the EIR and adoption of the General Plan Update (with annual monitoring pursuant to Government Code Section 65400)</p>	

Table 2-1 Summary of Environmental Impacts and Mitigation Measures

Mitigation Measures	Implementation Responsibility	Timing	Verification
<ul style="list-style-type: none"> ▾ Mitigation through planting may be used to restore former or degraded oak woodlands. ▲ Contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodland conservation easements, the Tuolumne County Oak Woodland Conservation Fund, or other appropriate established oak woodland conservation fund. 			
<p>Implementation Program 16.B.x [specific numbering to be provided in the Final General Plan Update]: The County will require project applicants to develop a mitigation and monitoring plan to compensate for the loss of oak woodland habitat. The mitigation and monitoring plan will describe in detail how loss of oak woodlands shall be avoided or offset, including details on restoration and creation of habitat, compensation for the temporal loss of habitat, success criteria ensuring habitat function goals and objectives are met, performance standards to ensure success, remedial actions if performance standards are not met, and requirements for reporting implementation actions and progress to the County. The plan will include detailed information on the habitats present within the preservation and mitigation areas, the long-term management and monitoring of these habitats, legal protection for the preservation and mitigation areas (e.g., conservation easement, declaration of restrictions), and funding mechanism information (e.g., endowment).</p> <p>If planting is used as part of compensatory mitigation, an oak planting plan will be developed by a qualified professional such as a professional biologist, arborist, or registered professional forester using the best available science and will clearly state all mitigation measures required.</p>	<p>Tuolumne County Community Resource Agency</p>	<p>Approval of the EIR and adoption of the General Plan Update (with annual monitoring pursuant to Government Code Section 65400)</p>	
<p>Implementation Program 16.B.x [specific numbering to be provided in the Final General Plan Update]: Oak woodlands habitat placed under conservation easements will be at appropriate ratios to offset the loss of habitat functions and values of the oak woodland to be lost. Oak woodland habitat preserved this way should have similar tree sizes and densities, species composition, site condition, and landscape context to the oak woodland to be removed to serve the same function and have similar habitat value. At a minimum, 1 acre of oak woodland habitat providing similar functions and values will be placed under conservation easement for every acre of oak woodlands habitat lost.</p>	<p>Tuolumne County Community Resource Agency</p>	<p>Approval of the EIR and adoption of the General Plan Update (with annual monitoring pursuant to Government Code Section 65400)</p>	
<p>3.8 Global Climate Change</p>			
<p>Mitigation Measure 3.8-1: Revise Implementation Program 18.A.a</p> <p>The County will revise Implementation Program 18.A.a as follows to include the following GHG emissions reduction measures in the list of potential measures to include in the CAP.</p> <ul style="list-style-type: none"> ▲ Implementation Program 18.A.a: Include specific GHG emissions reduction measures in the CAP. Examples include: <ul style="list-style-type: none"> ▾ Foster land use intensity near, along with connectivity to, retail and employment centers and services to reduce vehicle miles travelled and increase the efficiency of delivery services through adoption and implementation of smart growth principles and policies; ▾ Improve the local jobs/housing balance to reduce vehicle miles travelled; ▾ Incentivize energy efficiency improvements in existing buildings; 	<p>Tuolumne County Community Resource Agency</p>	<p>Approval of the EIR and adoption of the General Plan Update (with annual monitoring pursuant to Government Code Section 65400)</p>	

Table 2-1 Summary of Environmental Impacts and Mitigation Measures

Mitigation Measures	Implementation Responsibility	Timing	Verification
<ul style="list-style-type: none"> ➤ <u>Require energy audits for major additions to or alterations of existing buildings;</u> ➤ <u>Require compliance with CALGreen Tier 1 Green Building standards and Tier 1 Building Energy Efficiency Standards for eligible alterations or additions to existing buildings;</u> ➤ <u>Require compliance with CALGreen Tier 1 Green Building standards and Tier 1 standards for all new construction, and phase in Zero Net Energy (ZNE) standards for new construction;</u> ➤ <u>Require new or replacement residential water heating systems to be electrically powered and/or alternatively fueled systems;</u> ➤ <u>Expand current renewable energy and green energy incentives and update local ordinances;</u> ➤ <u>Develop a program to offset project GHG emissions by retrofitting existing income-qualified homes and buildings;</u> ➤ <u>Support waste-to-energy programs at landfills;</u> ➤ <u>Increase availability and accessibility of transit information;</u> ➤ <u>Support alternatives to private vehicle travel for visitors, such as shuttles;</u> ➤ <u>Increase the supply of electric vehicle charging stations;</u> ➤ <u>Promote telecommuting at office-based businesses;</u> ➤ <u>Encourage expansion of composting programs;</u> ➤ <u>Establish a waste diversion goal that exceeds the State's 2020 75 percent target;</u> ➤ <u>Identify potential sites for renewable energy facilities and transmission lines;</u> ➤ <u>Promote recycling to reduce waste and energy consumption;</u> ➤ <u>Identify appropriate sites for waste recovery facilities to minimize escape of GHGs;</u> ➤ <u>Convert all stationary diesel or gas-powered irrigation pumps to electric pumps;</u> ➤ <u>Require Tier 4 equipment for all construction activity and forestry/mining operations by 2030;</u> ➤ <u>Adopt a new water conservation ordinance for commercial and residential land uses limiting outdoor watering;</u> ➤ <u>Expedite and/or reduce permit fees associated with water conservation installations in existing facilities;</u> ➤ <u>Require water audits for large new commercial or industrial projects and significant expansions of existing facilities;</u> ➤ <u>Conserve natural lands for carbon sequestration;</u> ➤ <u>Establish targets and enhanced programs for oak woodland and coniferous forest preservation and mandatory replanting;</u> ➤ <u>Refine protection guidelines for existing riparian lands to establish a no-net-loss goal;</u> ➤ <u>Develop a program to require repurposing of usable lumber from trees removed due to land conversion to avoid wood burning;</u> ➤ <u>Promote the sale and consumption of locally-grown foods and/or products;</u> ➤ <u>Establish a local carbon offset program;</u> ➤ <u>Identify lands suitable for wind power generation;</u> ➤ <u>Promote alternatives to open burning of biomass, including exploring the feasibility of the development of a biomass power plant in the County;</u> ➤ <u>Provide economic incentives and creative financing for renewable energy projects;</u> 			

Table 2-1 Summary of Environmental Impacts and Mitigation Measures

Mitigation Measures	Implementation Responsibility	Timing	Verification
<ul style="list-style-type: none"> ➤ <u>Pursue incentives, grants, and creative financing for projects that improve energy efficiency;</u> ➤ <u>Prepare and implement a comprehensive plan to improve energy efficiency of municipal facilities;</u> ➤ <u>Develop a program to promote forest health and enhance the carbon sequestration potential of forests in the County.</u> ➤ <u>Establish a coordinated, creative public outreach campaign, including publicizing the importance of reducing GHG emissions and steps community members can take to reduce their individual impacts;</u> ➤ <u>Install renewable energy systems at municipal facilities including solar photovoltaic systems on municipal roofs and solar water heating;</u> ➤ <u>Ensure that County staff receive appropriate training and support to implement objectives and policies to reduce GHG emissions included in the County CAP;</u> ➤ <u>Evaluate the feasibility and effectiveness of using Community Choice Aggregation as a model for providing renewable energy to meet the community's electricity needs, including potential partnerships with other jurisdictions;</u> ➤ <u>Identify and remove or otherwise address barriers to renewable energy production including revisions to the County's building and development codes, design guidelines, and zoning ordinances;</u> ➤ <u>Provide information, marketing, training and technical assistance regarding green building practices and renewable energy systems;</u> ➤ <u>Identify and remove regulatory or procedural barriers to implementing green building practices within the County, such as updating codes, guidelines, and zoning, and ensure that all plan review and building inspection staff are trained in green building materials, practices, and techniques; and</u> ➤ <u>Establish menus and check-lists for developers and contractors to ensure water-efficient infrastructure and technology are used in new construction, including low-flow toilets and shower heads, moisture-sensing irrigation, and other such advances.</u> 			
<p>3.12 Noise</p>			
<p>Mitigation Measure 3.12-3a: Establish Construction Noise Standards</p> <p>The following revision to General Plan Update Policy 5.A.5 is recommended to reduce noise impacts from construction as follows:</p> <ul style="list-style-type: none"> ➤ Policy 5.A.5: Require that construction activity and temporary construction impacts do not expose existing noise-sensitive land uses to excessive noise levels. Require all new construction activities to implement all feasible noise-reducing measures as necessary to limit construction noise exposure at receiving occupied land uses to within acceptable County noise levels identified in Figure 5.3. Should nighttime construction activities be required (between the hours of 7 p.m. and 7 a.m.), exterior noise levels shall not exceed 65 dBA L_{max}, based on FICAN's 65 dBA SEL level for sleep disturbance (but conservatively using L_{max}, which is more appropriate for construction activities), night time noise maximum noise levels established for various land uses in [General Plan] Figure 5.3. [See Table 3.12-5 of this EIR.] 	<p>Tuolumne County Community Resource Agency</p>	<p>Approval of the EIR and adoption of the General Plan Update (with annual monitoring pursuant to Government Code Section 65400)</p>	

Table 2-1 Summary of Environmental Impacts and Mitigation Measures

Mitigation Measures	Implementation Responsibility	Timing	Verification
<p>Mitigation Measure 3.12-3b: Increase Construction Noise Buffer</p> <p>The following revision to General Plan Implementation Program 5.A.e is recommended to increase the distance construction activities are allowed from sensitive uses before additional measures are required:</p> <p>Implementation Program 5.A.e: The County shall ensure that, where residences or other noise sensitive uses are located within 800<u>1,900</u> feet of construction sites, appropriate measures shall be implemented to limit noise exposure from construction. Specific techniques may include, but are not limited to, restrictions on construction timing, use of sound blankets on construction equipment, and the use of temporary walls and noise barriers to block and deflect noise.</p>	<p>Tuolumne County Community Resource Agency</p>	<p>Approval of the EIR and adoption of the General Plan Update (with annual monitoring pursuant to Government Code Section 65400)</p>	
<p>Mitigation Measure 3.12-4: Establish Blasting Restrictions</p> <p>The following Implementation Program is recommended to reduce vibration and noise exposure from construction-related blasting to nearby sensitive land uses.</p> <p>▲ Implementation Program 5.A.i: Require, prior to approval of development or construction activities that would include blasting activities, proof of contract with a State licensed contractor if blasting is required for any construction activities. Blasting shall not be allowed during the sensitive night time hours (7 p.m. to 7 a.m.). In addition, prior to approval of construction/grading permits, Tuolumne County will review all proposed blasting activities and require construction contractors to implement available noise reduction measures, including alternatives to blasting.</p>	<p>Tuolumne County Community Resource Agency</p>	<p>Approval of the EIR and adoption of the General Plan Update (with annual monitoring pursuant to Government Code Section 65400)</p>	
<p>Mitigation Measure 3.12-6: Restriction of outdoor gathering hours for agritourism uses and prohibition of exterior amplified sound</p> <p>The following implementation programs will be added to the General Plan Update under Policy 5.A.1 to reduce noise exposure from operational stationary noise sources of agritourism uses to nearby sensitive land uses.</p> <p>▲ Implementation Program 5.A.x [specific numbering to be provided in Final General Plan Update]: Outdoor gatherings associated with normal, day-to-day agritourism uses shall be limited to daytime hours (7:00 a.m. to 10:00 p.m.). Exceptions may be allowed with review and approval by the County. As part of the County review and approval, such exceptions shall include an operation noise plan prepared by an acoustical engineer that evaluates potential for outdoor gatherings occurring during nighttime hours to exceed County noise standards. If needed, the noise plan shall include noise minimization measures (such as siting/orientation of the gathering) to minimize sound exposure of any nearby residences such that County noise standards (Table 3.12-7 of this EIR) are not exceeded. The applicant shall demonstrate through the plan how the nighttime gathering would not exceed applicable County noise standards. After the noise plan is approved by the County for the agritourism operation, no additional noise plan would be required, unless the agritourism operation proposes changes to its nighttime outdoor uses that could meaningfully affect exterior noise levels (e.g., changes in location/orientation of gatherings, location of access/parking, and type of gatherings, and/or substantial change in typical number of guests).</p> <p>▲ Implementation Program 5.A.x [specific numbering to be provided in Final General Plan Update]: No exterior amplified sound systems (e.g., public address systems) will be allowed as part of any agritourism use. Exceptions may be allowed with review and approval by the County with the</p>	<p>Tuolumne County Community Resource Agency</p>	<p>Approval of the EIR and adoption of the General Plan Update (with annual monitoring pursuant to Government Code Section 65400)</p>	

Table 2-1 Summary of Environmental Impacts and Mitigation Measures

Mitigation Measures	Implementation Responsibility	Timing	Verification
<p>submittal of a plan analyzing the noise from the speakers/amplification. As part of the County review and approval, the applicant shall submit a speaker/amplification noise plan prepared by an acoustical engineer, that evaluates the potential for the proposed amplified sound to exceed County noise standards (Table 3.12-7 of this EIR). If necessary, the noise plan shall include protocols for siting, orientation, and operation of speakers (including potential volume limits) that would be implemented to reduce the effect of noise levels generated by on-site stationary noise sources. The applicant shall demonstrate through the plan how the speaker/amplification system would not exceed applicable County noise standards (Table 3.12-7 of this EIR). After the noise plan is approved by the County for the agritourism operation, no additional speaker/amplification noise plan would be required, unless the agritourism operation proposes changes to the speaker/amplification system that could meaningfully affect noise levels (e.g. changes to the location, orientation, or volume of the amplification system).</p>			
<p>3.16 Transportation and Circulation</p>			
<p>Mitigation Measure 3.16-1: Roadway Improvements As part of its update of the Tuolumne County Countywide Traffic Circulation Improvement Program, the County shall evaluate the following improvements for inclusion in the Program, thus allowing for funding through the Tuolumne County Traffic Impact Mitigation Fee program. The improvements shall be incorporated into the Program if they are considered feasible and consistent with General Plan policies. If further analysis demonstrates that an alternative improvement would be adequate to achieve the target LOS, that alternative improvement shall be incorporated into the Program if feasible and consistent with General Plan policies.</p> <p>Roadway 3, Roadway 4, Roadway 5, and Roadway 23 – Widen the Segments to Four Lanes Widen the following segments to four lane expressways, consistent with FCEP-CIP Tier 3 projects, to improve conditions to LOS A in 2030 and 2040:</p> <ul style="list-style-type: none"> ▲ Roadway 3 - SR 108 between O'Byrnes Ferry Road and SR 120 (Yosemite Junction) ▲ Roadway 4 - SR 108 between SR 120 (Yosemite Junction) and SR 49 (Montezuma Junction) ▲ Roadway 5 - SR 108 between SR 49 (Stockton Road) and S. Washington Street/Lime Kiln Road ▲ Roadway 23 - SR 49 between SR 49 (Montezuma Junction) and Bell Mooney Road <p>Roadway 24 and Roadway 27 – Widen the Segment to Five Lanes Widen the following segments to five lanes, consistent with FCEP-CIP Tier 2 projects, to improve conditions to LOS C in 2030 and 2040:</p> <ul style="list-style-type: none"> ▲ Roadway 24 - SR 49 between Bell Mooney Road and South Junction Main Street ▲ Roadway 27 - SR 49 between Fifth Avenue and Stockton Road/SR 108 <p>Roadway 32, Roadway 33, and Roadway 34 - Construct the North-South Connector Phase 1 Construct the North-South Connector Phase 1 Greenley Road Extension to SR 49, consistent with FCEP-CIP Tier 2, by year 2030 to improve operating conditions along the following roadway segments:</p>	<p>Tuolumne County Traffic Engineering staff</p>	<p>Concurrent with update of the Tuolumne County Countywide Traffic Circulation Improvement Program</p>	

Table 2-1 Summary of Environmental Impacts and Mitigation Measures

Mitigation Measures	Implementation Responsibility	Timing	Verification
<p> <ul style="list-style-type: none"> ▲ Roadway 32 - SR 49 north of Dodge Street, ▲ Roadway 33 - SR 49 south of N. Washington Street/Columbia Way ▲ Roadway 34 - SR 49 north of N. Washington Street/Columbia Way <p>If the aforementioned roadway improvement is deemed infeasible, or if further analysis demonstrates it will not result in acceptable operating conditions along the applicable roadway segment, the following improvements shall be incorporated:</p> <ul style="list-style-type: none"> ▲ Construct the Western Bypass that would extend from SR 108/49 (south of Jamestown) to Rawhide Road. The Western Bypass is projected to further divert and reduce traffic on this segment of SR 49. ▲ Improve alternative modes of transportation along Roadways 32, 33, and 34, such as transit service or bicycle and pedestrian infrastructure. <p>Roadway 35 – Construct Left Turn Lane Construct a continuous two-way-left-turn median lane to improve conditions to an acceptable LOS D in the year 2040 to improve operating conditions along Roadway 35 - SR 49 east of Parrots Ferry Road (Pedro Wye)</p> <p>If the aforementioned roadway improvement is deemed infeasible, or if further analysis demonstrates it will not result in acceptable operating conditions along the applicable roadway segment, the following improvements shall be incorporated:</p> <ul style="list-style-type: none"> ▲ Widen the segment to five lanes to improve conditions to LOS A in the year 2040. ▲ Improve alternative modes of transportation along this roadway segment, such as transit or bicycle and pedestrian infrastructure. <p>Roadway 52 and Roadway 116 - Construct the North-South Connector Phase 2 Construct the North-South Connector Phase 2, consistent with FCEP-CIP's Tier 2 and Tier 3, that would extend Fir Drive from Mono Way to the Greenley Road Extension, which may reduce traffic on the following segments:</p> <ul style="list-style-type: none"> ▲ Roadway 52 - Mono Way west of Sanguinetti Road ▲ Roadway 116 - S. Washington Street between Restano Way and Church Street <p>If the aforementioned roadway improvement is deemed infeasible, or if further analysis demonstrates it will not result in acceptable operating conditions along the applicable roadway segment, the following improvement shall be incorporated:</p> <ul style="list-style-type: none"> ▲ Improve alternative modes of transportation along Roadways 52 and 116, such as transit service, bicycle and pedestrian infrastructure. <p>Roadway 77 - Widen the Segment to Five Lanes Widen to five lanes Roadway 77 - Tuolumne Road from Mono Way to Lambert Lake Road to improve conditions to an acceptable LOS D in the year 2040.</p> <p>If the aforementioned roadway improvement is deemed infeasible, or if further analysis demonstrates it will not result in acceptable operating conditions along the applicable roadway segment, the following</p> </p>			

Table 2-1 Summary of Environmental Impacts and Mitigation Measures

Mitigation Measures	Implementation Responsibility	Timing	Verification
<p>improvement shall be incorporated:</p> <ul style="list-style-type: none"> ▲ Improve alternative modes of transportation along this roadway segment, such as transit service or bicycle and pedestrian infrastructure. <p>Roadway 31 - Construct the North-South Connector Phase 2 Consistent with the FCEP-CIP's Tier 2 and Tier 3, construct the North-South Connector Phase 2 from Fir Drive Extension to SR 108, by the year 2040.</p> <p>If the aforementioned roadway improvement is deemed infeasible, or if further analysis demonstrates that it will not result in acceptable operating conditions along the applicable roadway segment, the following improvements shall be incorporated:</p> <ul style="list-style-type: none"> ▲ Construct the Western Bypass that would extend from SR 108/49 (south of Jamestown) to Rawhide Road. The Western Bypass is projected to further divert and reduce traffic on this segment of SR 49, or ▲ Improve alternative modes of transportation along Roadway 31, such as transit service or bicycle and pedestrian infrastructure. <p>Roadway 69 - Construct the North-South Connector Phase 2 Consistent with the FCEP-CIP's Tier 2 and Tier 3, construct the North-South Connector Phase 2 from Fir Drive Extension to SR 108, to improve conditions to an acceptable LOS by the year 2040 on Roadway 69 - Greenley Road between Cabezut Road/Morning Star Road and Delnero Drive.</p> <p>If the aforementioned roadway improvement is deemed infeasible, or if further analysis demonstrates it will not result in acceptable operating conditions along the applicable roadway segment, the following improvement shall be incorporated:</p> <ul style="list-style-type: none"> ▲ Construct the Cabezut Road Extension from the Fir Drive Road Extension to Phoenix Lake Road, to further divert and reduce traffic on this segment of Greenley Road. 			
<p>Mitigation Measure 3.16-2: Intersection Improvements As part of its update of the Tuolumne County Countywide Traffic Circulation Improvement Program, the County shall evaluate the following improvements for inclusion in the Program, thus allowing for funding through the Tuolumne County Traffic Impact Mitigation Fee program. The improvements shall be incorporated into the Program if they are considered feasible and consistent with General Plan policies. If further analysis demonstrates that an alternative improvement would be adequate to achieve the target LOS, that alternative improvement shall be incorporated into the Program if feasible and consistent with General Plan policies.</p> <p>Intersection 11 - Installation of a Traffic Signal or Conversion to a High-T Type Intersection Improve the intersection of SR 49-SR 108/SR 108 and SR 49 (Stockton Road) by year 2030 to a High-T type intersection or install a traffic signal at the intersection.</p> <p>Intersection 23 - Construct a Southbound Right-Turn Pocket A southbound right-turn pocket shall be constructed at the intersection of S. Washington Street/SR 49 (S.</p>	<p>Tuolumne County Traffic Engineering staff</p>	<p>Concurrent with update of the Tuolumne County Countywide Traffic Circulation Improvement Program</p>	

Table 2-1 Summary of Environmental Impacts and Mitigation Measures

Mitigation Measures	Implementation Responsibility	Timing	Verification
<p>Washington Street) and SR 49 (Stockton Road) to improve conditions to an acceptable LOS in the year 2040, with some movements operating at a LOS F. If this is not feasible due to the existing right-of-way, alternative modes of transportation shall be improved along this roadway segment, such as transit service, bicycle and pedestrian infrastructure.</p> <p>If the aforementioned roadway improvement is deemed infeasible, or if further analysis demonstrates it will not result in acceptable operating conditions at the applicable intersection, the following improvements shall be incorporated:</p> <ul style="list-style-type: none"> ▲ Construct the North-South Connector Phase 2 (Fir Drive Extension), which would extend Fir Drive from Mono Way to the Greenley Road Extension, intersecting with Cabezut Road and Lyons Bald Mountain Road in between, may reduce traffic on this segment of SR 49 by up to 5%. ▲ Construct the Western Bypass that would extend from SR 108/49 (south of Jamestown) to Rawhide Road. The Western Bypass is projected to divert traffic away from downtown Sonora and may reduce traffic at this intersection. ▲ Improve alternative modes of transportation along this roadway segment, such as transit service, bicycle and pedestrian infrastructure. <p>Intersection 24 – Installation of a Traffic Signal and Restricting Right-Turn Movements</p> <p>A traffic signal shall be installed at the intersection of South Washington Street and Church Street. If this is not feasible due to the proximity of another signalized intersection, then the westbound Church Street approach shall be converted to right-turn-only during peak hours. The eastbound approach is currently restricted to right-turn-only during peak hours.</p>			
<p>Mitigation Measure 3.16-3: Revise proposed Title 17 text to require traffic mitigation plans.</p> <p>The proposed text changes to Title 17 of the Ordinance Code shall be revised as follows:</p> <p>17.52.220 Commercial events on agricultural land</p> <p>Commercial events are the use of land and/or facilities for meetings, gatherings and events, including, but not limited to, weddings, parties and similar uses, for which a fee is charged.</p> <p>A. An annual ministerial permit may be acquired from the County to allow up to 40 commercial events may to be held per calendar year for up to 300 guests on a parcel zoned AE-37, AE-80 or AE-160 subject to the standards in paragraph C.</p> <p>B. An annual ministerial permit may be acquired from the County to allow up to two commercial events may to be held per calendar year for up to 500 guests on a parcel zoned AE-37, AE-80 or AE-160 subject to the standards in paragraph C.</p> <p>C. Standards for commercial events:</p> <ol style="list-style-type: none"> 1. The event venue shall be located on a parcel that complies with the cul-de-sac road standards specified in Section 11.12.040 of this code. 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. 	<p>Tuolumne County Community Resource Agency</p>	<p>Approval of the EIR and adoption of the General Plan Update and approval of Title 17 changes</p>	

Table 2-1 Summary of Environmental Impacts and Mitigation Measures

Mitigation Measures	Implementation Responsibility	Timing	Verification
<p>3. The event parking areas shall be located at least 20 feet from the boundary of any parcel zoned R or RE.</p> <p>4. <u>Prior to issuance of the annual special event permit, a traffic management plan (TMP) shall be submitted and approved by the Community Resources Agency for events exceeding 100 guests. The TMP shall be prepared by a qualified transportation engineer/consultant and shall include appropriate techniques to provide safe ingress and egress from event facilities without resulting in substantial congestion of roadways, or otherwise cause traffic-related hazards. Such techniques may include (but may not be limited to):</u></p> <ul style="list-style-type: none"> ➤ <u>Temporary caution and directional signage;</u> ➤ <u>Clearly defined points of ingress/egress;</u> ➤ <u>Cones or other clear markers placed to help direct vehicle flow define parking areas and driveways; and</u> ➤ <u>Flag persons to help direct vehicle flow and minimize congestion.</u> <p>[subsequent items to be renumbered]</p>			

References

California Department of Fish and Wildlife. 2012. *Staff Report on Burrowing Owl Mitigation*. Available: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83843>. Accessed August 28, 2018.

CDFW. See California Department of Fish and Wildlife.

U.S. Fish and Wildlife Service. 2017. *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (Desmocerus californicus dimorphus)*. Sacramento, California. 28 pp.

USFWS. See U.S. Fish and Wildlife Service.



Unapproved
**COMMUNITY RESOURCES
AGENCY**

David Gonzalves, C.B.O.
Director

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

**TUOLUMNE COUNTY
PLANNING COMMISSION MEETING
MINUTES
December 19, 2018**

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 536-1622 (Fleet)
(209) 533-5616 (fax)
(209) 533-5909 (fax - EHD)
(209) 588-9064 (fax - Fleet)
(209) 533-5698 (fax - Roads)
www.tuolumnecounty.ca.gov

PRESENT: Chair, Peter Rei; Vice-Chair, Heidi Lupo; Commissioners Jerry Baker, Cole Przybyla, Dick Pland, Charlotte Frazier and Mike Gustafson

ABSENT: None

STAFF: David Gonzalves, Community Resources Agency Director; Quincy Yaley, Community Resources Agency Assistant Director - Development; Taryn Vanderpan, Administrative Assistant; Michelle Carney, Administrative Assistant

GUESTS: Mike Parker, Ascent Environmental

* * * * *

Left to right: Mike Gustafson, Jerry Baker, Heidi Lupo, Peter Rei, Cole Przybyla, Dick Pland, Charlotte Frasier

CALL TO ORDER/WELCOME:

Chair Rei called the meeting of December 19, 2018, to order at 4:00 p.m. and led the Commission and audience members in the Pledge of Allegiance.

PLANNING COMMISSION BUSINESS:

1. Reports

None.

2. Report from the Board of Supervisors Planning Committee Representative

Commissioner Baker said that there was no meeting; therefore there was nothing to report.

3. Report from the Agricultural Advisory Committee Representative

Commissioner Pland said that there was no meeting; therefore there was nothing to report.

4. Minutes of the meeting of December 5, 2018

It was moved by Commissioner Pland and seconded by Commissioner Baker to approve the minutes as presented.

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

Motion carried: 7 – 0 – 0.

PUBLIC COMMENT:

Chair Rei opened the 15 minute public comment period, during which anyone wishing to could come forward and address the Commission on any item not on the Agenda.

A member of the public stated that the County is being considered for an 8 million dollar grant to construct a new park. She added that 20% of the grant grade is based on public input. She said that she has attended 4 public meetings and less than 50 members of the public have attended. She encouraged the public to attend future meetings.

Seeing no one else wishing to speak, Chair Rei closed the public comment period.

PUBLIC HEARING:

1. 2018 TUOLUMNE COUNTY GENERAL PLAN

Public Hearing on whether to recommend to the Board of Supervisors: **1)** Certification of the Final Environmental Impact Report (Final EIR); **2)** Adoption of the 2018 Tuolumne County General Plan; **3)** Adoption of the Findings of Fact, the Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Plan pursuant to the California Environmental Quality Act; and **4)** Approve Ordinance to update Title 17 of the Tuolumne County Ordinance Code to Expand the Range of Economic Activities Allowed on Agricultural Land and Agritourism Activities on Nonagricultural Land.

Ms. Yaley introduced herself and provided an overview of the meeting process and introduced the County Staff in attendance. Staff attendees included Carlyn Drivdahl, Deputy County Counsel; David Gonzalves, Community Resources Agency Director; Darin Grossi, Executive Director of Tuolumne County Transportation Council; Doug Oliver, Chief Building Official; Robert Kostlivy, Director of Environmental Health; Jason Terry, Administrative Analyst OES; Liz Peterson, Administrative Analyst; Duke York, Deputy Director of Public Works; and Steve Gregory, Andy Murphy, and Adam Frese, Tuolumne County Fire. She gave a presentation of the proposed General Plan, including the project history, community engagement, the purpose and contents of a General Plan, Title 17 changes, the Environmental Impact Report (EIR), and the Staff recommendation.

Chair Rei asked if there were any questions from the Commissioners. Seeing none, he opened the public comment period.

Ms. Drivdahl reminded the public that there is a 3 minute limit per speaker and that the public is not required to state their name.

Glen Caldwell introduced himself as a member of the Tuolumne County Business Council and said that he strongly recommends adoption of the General Plan as proposed. He added that the General Plan is thorough and adequate and addresses the current issues. He added that the General Plan is not meant to be specific to laws and policies for projects, but rather a generic road map for planning.

Ryan Campbell identified himself as a citizen of Tuolumne County. He stated that the General Plan is a large and complex document intended to guide and direct the development of the County. He expressed his concern of the pervasive fire risks in our community and that we need to avoid creating new development in areas that will be difficult for first responders to defend. He suggested that the County require multiple methods of ingress and egress for all new development and that the Commission postpone their recommendation to certify the Final Environmental Impact Report (FEIR) and adoption of the General Plan until the County has had time to adequately research the devastating fires that occurred in California this year.

Chair Rei inquired to clarify if he was advocating for an additional study on fire risk because he feels

that the information in the document is inadequate.

The member of the public agreed.

Steven Campbell identified himself as a local business owner, a board member for the Tuolumne County Business Council, and a Tuolumne County property owner. He said that he strongly supports the General Plan recommendation as presented and he commended the Staff for their work. He added that the General Plan adopted in 1996 is less than clear, full of contradictions, loose interpretations, and obstacles. He added that the current regulations have created barriers to capital revenue in the County. He said that the tax base is not growing but the cost of services, including fire protection, is growing. He recommended moving forward with the General Plan.

Megan Layhey identified herself as a citizen of Tuolumne County. She expressed concerns with biological resources, water supply, and climate change. She said that she has researched General Plans from other counties such as Placer, El Dorado, Lassen and Butte and that compared to the other counties she researched, the Tuolumne County General Plan uses language that does little to mandate the protection of sensitive species, habitats, aquatic environments, conservation and protection of water, water quality, and actions to combat climate change. She said that she would like to see policies and specific language in the General Plan that will ensure higher levels of protection for biological resources.

John LaTorre, a member of the public said that the General Plan and supporting documents contain elements that are in response to public comments made in 2015. He added that since 2015, climate change is no longer a theory, but a reality. He stated that he owns a home in Sonora and that his homeowners' insurance is now non-renewable due to high fire danger. He added that while the General Plan does address climate change, he is dismayed to find that the purpose of chapter 18 is to implement policies and programs to reduce greenhouse emissions but does not address fire protection.

Elaine Hagen identified herself as a resident of Tuolumne and requested that District 3 Supervisor Elect Anaiah Kirk review plans to improve ingress and egress to and from the Ponderosa Hills area in the event of a fire. She expressed concerns about climate change and the bark beetle infestation in our area.

Anaiah Kirk identified himself as District 3 Supervisor Elect. He said that he does have concerns regarding fire safety, but he feels that the General Plan should be adopted as presented. He said that fire safety is a priority and will be a top agenda item for the Board of Supervisors (BOS) in 2019.

Heidi Beswick identified herself as a resident of Twain Harte and expressed her concerns about significant impacts to agriculture and greenhouse gas emissions. She said that the General Plan would designate 3,830 or 6 square miles of agricultural land to rural residential or urban land uses and that this designation conflicts with policy 8.A.1 which calls for the County to avoid the conversion of agricultural land. She stated that if development is intended to be within identified communities there is no excuse for converting agricultural land. She added that having a public process for project consideration does not ensure a fair and balanced outcome.

Sharon Marovich introduced herself as a representative of the Tuolumne Heritage Committee and expressed concern about the lack of flexibility for conservation measures, funding sources for libraries, the reduction in park land, hillside development, protection of cultural resources, and development of agricultural land. She added that the General Plan should be more proactive to protect the state highways in the County, which are eligible for Caltrans scenic status and that the reduction of park land fails to meet the recreational needs of our residents. She said that the General Plan only identifies 39 cultural resources, but there are over a thousand in our area.

Dennis Randall identified himself as a resident of Cedar Ridge and a volunteer fire officer and requested that the consideration of the General Plan be postponed until after the seating of the new BOS. He said that the EIR affirms that the fire protection services will be insufficient to meet the

needs of the anticipated growth. He said that the General Plan is based on erroneous data of Tuolumne County Fire Department (TCFD) resources and that 81 percent of the identified communities designated for residential growth are in very high fire severity zones. He added that the General Plan does not aggressively address the needs for escape in the event of a fire.

Kevin Rice identified himself as a resident of Ponderosa Hills and a retired UC Davis professor. He said that oak woodland habitat has the highest bio diversity of any land habitat in California. He explained that oak woodland habitats create mulching, enrich the soil, decrease erosion, and reduces flammable annual grasses. He added that oak woodlands are experiencing a massive lack of regeneration.

Reuben Churnside identified himself as a project manager with Land and Structure Survey Engineering & Design. He stated that the County has been waiting for over 10 years to have a relevant General Plan that is a concise and useable guidance policy to provide direction for appropriate development while addressing State requirements on a rational level. He said too much overlap with other local, state and federal policies should be avoided. He stated that he is confident in the quality and content of the General Plan and encouraged the Commission to move forward with approval.

Candra Manthey Neff introduced herself as a resident of the County and expressed her concern for water supply, preservation of historically significant communities, and recreational park space. She stated that the water resources are not sufficient to support the proposed development or to sustain a draught. She said that it would be irresponsible for the County to allow a single new lot or commercial development without sufficient water to service the existing homes in and developments in the County.

Cris Barsanti identified herself as a resident of Columbia and said it is rude and disrespectful to the people of the County to hold a hearing several days before Christmas. She added that she has not had time to adequately study the latest version of the General Plan and she is disgusted at the rush to vote. She stated that words used in many of the policies and the implementation program such as “consider”, “encourage”, and “promote” are ineffectual and easily ignored.

Ron Kopf spoke on behalf of the Tuolumne County Business Council and stated that it is time to retire the 1996 General Plan and adopt the proposed version that is clearer and more concise and meets the California Environmental Quality Act (CEQA) requirements. He reiterated that the General Plan is not a static document and can be updated and amended on a yearly basis, as needed. He added that the General Plan needs to be adopted so that the County can move forward with the updated Housing Element which must be completed in 2019. He said that the current zoning and ordinances need to be updated as they are confusing and an impediment to providing much needed housing. He noted that there is a severe lack of housing in our rural county, discouraging people from accepting employment at the hospital. He added that when building needed housing is viewed as a problem, opposition often translates into increased reviews, regulations, mitigation, litigation, and adding more requirements to projects. He stated that unlike the 1996 General Plan, the revised General Plan makes the building process understandable.

Gene Bellesa identified himself as a resident of Soulsbyville and requested that the vote be postponed as he did not have an opportunity to review the General Plan. He expressed his concern about environmental and fire issues.

Marvin Keshner identified himself as a resident of Sonora and stated that he is in favor of economic development and he acknowledged that affordable housing is a key issue for the County. He added that he is concerned with the County adopting the General Plan now rather than waiting for input from the newly elected Supervisors. He stated that the areas targeted for high density housing lack the necessary infrastructure for roads and water and border on forest lands with no provisions for fire breaks, water supply, or new or wider roads for evacuations. He requested that the vote be delayed and the General Plan be revised to include fire safety provisions for the entire County.

Jay Watson identified himself as a resident of Sonora and the owner of Cedar Ridge Apple Ranch. He requested a change to Ordinance Code 17.52.220(C)(6), specifically number 2 stating "... as measured at the property line". He asked that ordinance not be revised to state that noise should be measured from the residence.

Joe David identified himself as a resident of Jamestown. He stated that it is unfair for the County to have the project considered over the holidays. He added that it is important for the General Plan to be done right rather than quickly.

Krag Brotby identified himself as a local developer. He said that if the project were delayed, the same concerns would be made a year from now, 10 years from now, or 50 years from now and the comments would all be the same. He recommended the Commission's approval.

Rick Bres-Martin identified himself as a Tuolumne County resident and requested vote be postponed by the Commission so they can take the time to be as informed as they can be and as considerate as they ought to be. He said that the County has not recognized that there are disadvantaged communities, such as low income residents and senior citizens and that the public could use more time to inform themselves and the Commission of some of the aspects of the General Plan that could be improved.

Delores Botin identified herself as a resident of Tuolumne and stated that the General Plan is way too long and complicated for an average person to comprehend. She added that she did not find anything in the General Plan to help the environment and that clean air, clean water, scenery, and people should be protected over development. She said that maintaining the existing feeling of the community of Tuolumne County is more important than generating revenue.

Thomas Parrington identified himself as a resident and a member of the Central Sierra Audubon Society. He stated that the General Plan and Draft EIR are being rushed to judgment. He added that he requested a map depicting the agricultural parcels that are being changed under the revised General Plan, but did not receive the map until October 29, 2018, after the comment period had expired. He added that the proposed plan is worse than the 1996 plan with regard to agricultural land uses and protection of biological resources and seems to have been written for the benefit of the development community rather than the residents.

John Buckley identified himself as a representative of the Central Sierra Environmental Resource Center (CSERC). He said that environmental protection measures have been blamed for the lack of booming development in the County. He stated that the General Plan review committees appointed by the BOS were dominated by building interests and interests tied to Blue Mountain Minerals. He added that the plan is based on County driven projections that are 9 times the State's estimates and that the County's population has not grown in 13 years. He said that plan fails to prohibit new subdivisions or concentrated new development in extreme fire risks areas. He urged the Commission to reject the adequacy of the General Plan and EIR and recommend the BOS to postpone a final hearing until at least late January.

Barbara Farkas spoke against the project said that the conversion of rural land will destroy the watershed. She advised the Commission to delay the vote and take in to consideration the issues brought before them today.

Seeing no one else wishing to speak, Chair Rei closed the public comment portion of the meeting and brought the project back to the Commission for discussion.

The Commission adjourned for a break at 5:52 p.m. The Commission reconvened at 6:02 p.m.

Commissioner Baker requested staff to clarify the proposed Agricultural zoning changes.

Ms. Yaley explained that when staff reviewed the 1996 General Plan, they found a lot of land use designations that left properties designated Agricultural, but were zoned RE-5, for example. She

noted the reclassification of agricultural land is to reflect existing land uses, zoning districts, and ownership.

Chair Rei asked if the Commission had any additional questions regarding land use designations. Ms. Drivdahl followed by asking if any Commissioners wanted to proposed additional changes to land use designations. Seeing no one, Chair Rei moved on with the discussion and asked if the Commission had any questions regarding the General Plan elements including the Technical Background Report, Community Plans, or the Environmental Impact Report.

Commissioner Pland noted that there were many concerns raised by the public regarding fire safety and he asked staff to identify how the policies in the General Plan addressed these concerns.

Cal Fire Tuolumne-Calaveras Unit Forester Adam Frese specifically identified Implementation Program 9.A.c as an important policy, and stated that Tuolumne County is a leader in putting wildfire policies into place, such as with tree mortality. He also discussed the fuel break system in the County, as well as grants the County has received to help with fire safety. He believes the General Plan contains the right fire safety policies, and that those policies just need to be put into action. Cal Fire Division Chief Andrew Murphy addressed site department statistics, and emphasized that the General Plan is a high level document, and many concerns raised in the meeting are more day to day/operational issues.

Ms. Yaley stated that if the proposed General Plan was adopted, it would not preclude future changes from being made to the General Plan. She explained that under State law the General Plan can be updated four times a year, and that if new regulations require an update, the General Plan can be amended. She noted that the General Plan is the main policy document, and many County plans and programs tier from this document, including programs in the Office of Emergency Services (OES). She explained the General Plan does not prevent Tuolumne County from implementing future plans to address wild fire safety protocols which would respond to new regulations that may come down from the State or any the Board of Supervisors determines appropriate. She noted the proposed General Plan had been reviewed by Cal Fire.

Jason Terry, Office of Emergency Services Administrative Analyst, gave an overview of how OES provides preparation and coordination during large scale emergencies, coordinates with partner agencies, special districts, and key private agencies to provide planning, response, recovery, and mitigation activities as a result of emergency incidents. He discussed the Tuolumne County Multi-Jurisdictional Hazard Mitigation Plan, which demonstrates a jurisdiction's commitment to goals and actions which authorizes an agency to execute their responsibilities in case of an emergency.

Commissioner Frazier asked Mr. Terry if the Tuolumne County Multi-Jurisdictional Hazard Mitigation plan document was available to the public for review.

Mr. Terry replied that when the document was updated in 2017, there was a public comment period which was advertised in local media as well as posted on the County website, which is currently available on the website. He noted that the County will be updating their Emergency Operations plan which will also be available for public review and comment.

Commissioner Baker expressed concern with reference to the wording used in the proposed General Plan. He stated a policy should be set that when a proposed project is consistent with the General Plan, even though not in the spirit of the Plan, the County has the ability to address that on a practical basis.

Commissioner Baker asked if the General Plan requires changes in the Zoning Code.

Ms. Yaley replied that the Environmental Impact Report does suggest changes to the zoning codes, and that there has been interest raised by the community to look at the zoning ordinance. She explained that the proposed General Plan, if adopted will be utilized to guide staff in any changes the Board of Supervisors is interested in addressing.

Commissioner Baker raised concerns with Senate Bill 743 (SB743) which changes the way that transportation impacts are analyzed under the California Environmental Quality Act (CEQA). He suggested that with the changes, the newly adopted Vehicle Miles Traveled (VMT) would not provide the value as Level of Service (LOS) is in addressing traffic impacts as it relates to a proposed project.

Darin Grossi, Executive Director-Tuolumne County Transportation Council, explained the concept VMT modeling, and noted that LOS is a General Plan consistency requirement which would be provided to the Commission during the review process of proposed project.

Commissioner Baker stated the Cal Fire Air attack bases are being drastically underutilized and maintained, and suggested language in the General Plan be strengthened to ensure that the air attack base remains at the Columbia Airport.

Commissioner Baker noted he did not believe the updated language regarding Equivalent Continuous Noise Level (L_{EQ}) would provide decision makers a clear route for addressing noise complaints as it pertains to proposed projects.

Mr. Parker explained the concept of L_{eq} and that it is the average over an hour.

Commissioner Gustafson questioned how the noise policies in the General Plan could be administered when there is no staff or tools to allow enforcement should a project become non-compliant.

Ms. Yaley explained that when a project comes through the discretionary entitlement process, environmental review is required by CEQA, which requires staff to analyze how the project will impact noise levels. When staff receives a project that may have a high noise level impact, they are required to have an acoustical engineer perform a noise study. Ms. Yaley discussed how an acoustical engineer is used to complete a noise study. She discussed how the code compliance process works when enforcing noise, and that staff can be sent out to a project site at any hour of the day, and has equipment that can be used to get baseline numbers. She also discussed a proposed mitigation measure in the EIR expands the distance for considering noise impacts from a proposed project.

Vice-Chair Lupo raised concerns with a lack of clarification in the wording in Implementation Program 12.A.a and suggested changing the verbiage from "school districts" to "public schools".

Commissioner Baker referenced Goal 14B and stated he did not believe the County's current policies encouraged storm water retention.

Commissioner Baker expressed concern that O-1 zoning regulations were too restrictive and didn't allow citizens the ability to protect their property from fire danger and suggested a closer review should take place regarding those regulations.

Commissioner Baker asked for clarification in regards to the hierarchy between the General Plan regulations and the California Building Codes.

Ms. Yaley stated when drafting the General Plan post-2015, one task completed by staff was to eliminate inconsistencies in the General Plan. She said the proposed General Plan conforms to the requirements of the California Building codes. She noted that the General Plan can be updated to reflect any future changes that may occur in buildings codes.

Doug Oliver, Chief Building Official, stated that if there is a conflict between the California Building code and the County's General Plan, the more restrictive regulation governs unless specific exemptions are in place.

Commissioner Baker asked about the Tuolumne County Wildlife Handbook.

Ms. Yaley stated that the County is aware that the Tuolumne County Wildlife Handbook may be outdated in certain areas. She explained that if a project site is not exempt and requires additional environmental review under CEQA, a starting place to look at mitigation measures for a project is the Wildlife Handbook. If the site has biological characteristics the Wildlife Handbook does not adequately address under current Federal and State law, as acknowledged in the General Plan, additional mitigation measures may be necessary. She noted that in some complex projects, an applicant may need to hire a biologist to provide a site specific analysis. If this occurs, the site specific analysis it is not required to incorporate measures in the Wildlife Handbook.

Chair Rei asked for clarification on concerns raised by the Stent/Quartz area.

Ms. Yaley explained that in Stent, there are many properties where there is an inconsistency between the zoning district and the General Plan land use designation. She noted the County is required by the Government Code to resolve any inconsistencies between the zoning and general plan designations. Most of the existing parcel sizes in the Stent/Quartz area do not meet the two acre minimum requirement that the Estate Residential land use designation dictates. She explained that the solution is to change the land use designation from Estate Residential to the correct corresponding General Plan land use designation Low Density Residential, which is consistent with the existing urban zoning districts of R-1 and RE-1 on those properties.

Chair Rei requested a summary of the Title 17 definition of "events".

Ms. Yaley noted the Title 17 changes proposed as a part of this project are related to agritourism events, which may include pumpkin patches, corn mazes, and weddings at wineries. She explained that these agritourism events are required to be incidental to agricultural use on the property. She noted the zoning codes still identify certain types of events as conditional uses in specific zoning districts. She said that events not related to agritourism would still fall under the existing definitions in the zoning code.

Chair Rei raised concerns regarding TCOC Section 17.52.220 (C)(6) as it pertains to the noise levels measured at the property line as opposed to an adjacent resident parcel.

Ms. Yaley noted that if an establishment is located next to a vacant parcel and the parcel is later developed with a residence that is near a property line, the pre-existing commercial event venue establishment could then become non-conforming. She explained that the property line is proposed to be used for measuring because it would prevent an establishment from becoming non-conforming if a residence is built next door within 200 feet.

A discussion ensued on the proposed wording for the TCOC Section 17.52.220(C)(6).

Ms. Drivdahl proposed taking a 20 minute recess to allow staff to incorporate the Commissioners' proposed changes into a potential draft motion.

Chair Rei called for a 20 minute break.

Chair Rei called the meeting back in session at 7:45 p.m.

Ms. Drivdahl reviewed the proposed changes with the Commission.

Commissioner Baker expressed a need to address fire safety policies for existing development. He noted that the proposed General Plan is essential to guide future development and stated the highest risk for potential fire is existing development.

There was a discussion about adding verbiage to the motion to strongly urge the Board of Supervisors to conduct a more thorough review of the County's fire safety policies.

Ms. Drivdahl suggested public and Commissioner concerns regarding fire safety be included in the

staff report to the Board of Supervisors.

There was a consensus to include their concerns in the staff report to the Board of Supervisors.

It was moved by Commissioner Pland and seconded by Commission Baker to recommend approval of the General Plan Update project, including the following, to the Board of Supervisors:

1. Certify the Environmental Impact Report;
2. Adopt the Findings of Fact, the Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Plan pursuant to the California Environmental Quality Act;
3. Adopt the 2018 Tuolumne County General Plan, including incorporation of additional revisions in Exhibit A of the staff report;
4. Approve Ordinance to revise Title 17 of the Tuolumne County Ordinance Code to expand the range of economic activities allowed on agricultural lands and agritourism activities on nonagricultural land.

The recommendation to the Board of Supervisors included the following revisions:

Implementation Program 4.E.f: Promote the retention **and expansion** of the California Department of Forestry and Fire Protection (CAL FIRE) Air Attack Base at the Columbia Airport by accommodating CAL FIRE operational needs at the airport and working with the local community to influence the State to keep the Air Attack Base at its current location.

Implementation Program 12.A.a: Work closely with ~~school districts~~ **public schools** to identify future school sites that are compatible with land use, transportation, air quality plans, and pedestrian routes.

Implementation Program 16.B.j (Second bullet): 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 **total oak canopy cover onsite** ~~oak canopy woodland stand on the parcel~~, if the conversion or loss is determined by trained professional (ADDED FROM EIR) to be substantial in consideration of, but not limited to, the following

TCOC Section 17.52.220(C)(6): Noise generated by the event shall not exceed a noise level of 60 dB Leq (1 hour) from 10:00 a.m. to 7:00 p.m. or 50 dB Leq (1 hour) from 7:00 p.m. to 2:00 a.m. as measured ~~at a residence on any adjacent parcel~~ **at the property line.**

Chair Rei called for the vote: 7, Ayes; 0, Noes; 0, Abstain.

Motion carried: 7 – 0 – 0.

ADJOURNMENT:

Chair Rei adjourned the meeting at 8:14 p.m.

Respectfully,

David B. Gonzalves, C.B.O.
Community Resources Director

DBG:tv

EXHIBIT H

December 23, 2018

Tuolumne County Board of Supervisors
2 South Green Street
Sonora, CA 95370

RE: **Proposed General Plan Deficiencies**

Dear Board Members:

1. 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 1996 General Plan's Conservation and Open Space Element at protecting these resources. I am concerned by some missing planning mitigation implementation programs for expected **cumulatively significant impacts**, as defined by the California Environmental Quality Act (CEQA), in the currently proposed Tuolumne County General Plan. 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 proposed 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.** 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.

Solution for a more legally defensible and environmentally superior Alternative:

2. Simply retain the existing Conservation and Open Space Element of the Tuolumne County General Plan as the new Conservation and Open Space Element for the proposed General Plan, especially retaining the Biological Resources existing General Plan Implementing Program Section 4J (the Biological Resources Handbook, aka: Wildlife Handbook used by the County since 1987) to fulfill our County's roll as a good steward of our wildlife, just as Noah was required to do in Genesis, Chapter 6.

Reasons Why The Proposed General Plan Has Challengeable Deficiencies:

3. The community is concerned that the County Planning Commission at its meeting of December 19, 2018 continued discussion of Implementing Programs for the proposed General Plan with special interest parties **after** closing the public input portion of the Public Hearing, **depriving the public of due process and any chance for rebuttal.** Many people attended that Public Hearing to express their concerns about the proposed General Plan's inadequacies, but their concerns were ignored by the Planning Commission.
4. **California Government Code Section 65302 requires the County's General Plan to have a Conservation Element and an Open Space Element. California Government Code Section 65560 establishes the criteria to be addressed in the mandatory Open Space Element.** Combining these required General Plan Elements into a "Natural Resources Element" that promotes development as its Vision Statement (OAV1) and promotes the protection of the "managed production of resources" (like mining and

timbering), defeats the other Conservation and Open Space values established by the State of California and **defeats the protection of Open Space lands for other resources uses (such as protections for special status species, diverse wildlife habitats, wetlands and waterway** which should use Open Space buffer zones to prevent erosion and siltation). The proposed General Plan outlines additional **protections for mining and timbering in a separate “Managed Resources Element”**, with those Policies overriding the “Natural Resources Element” for other Conservation and Open Space resources. Wildlife habitats other than oak woodlands, and waterway protections may have been considered in the “Natural Resources Element”, but the proposed General Plan **fails to offer policies adequate for the protection from cumulatively significant impacts** to the County’s diverse wildlife habitats, and fails at protection of the County’s aquatic resources, waterways and wetlands.

5. The General Plan Update Draft Environmental Impact Report (DEIR) and proposed **Policy 16.B.2 incorrectly implies 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 species, like rare plant populations, as well as threatening special status fish and aquatic animal populations in streams.** Timber plantations are allowed to 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 lands allow development of facilities that process their products (like sawmills and animal rendering plants). These timberland and agricultural allowed uses are harmful to wildlife and their habitats. The proposed General Plan changes to Agricultural land uses, such as allowing **rendering plants and sewage sludge deposits (also to be allowed in Residential Estate zones), as well as herbicide, pesticide, and rodenticide uses does not offer Open Space protection for wildlife needs.** Although suggested in the General Plan Update DEIR in order to attempt to justify not having designated separate Open Space lands for wildlife and biological resources, agricultural lands and timberlands cannot always serve as wildlife habitats, especially intense crop management activities. **As currently written, the assumption of conservation of biological resource values in timberlands and agricultural lands is scientifically inaccurate.**
6. This proposed General Plan **fails to designate continuing Open Space protections for the Open Space lands already designated by Tuolumne County as mitigation** for past significant negative impacts upon the environment from development projects subject to past CEQA reviews. These Open Space and Open Space-1 lands were already zoned with the written consent of the land owner applying for the CEQA discretionary projects 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 areas 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 and Open Space-1 zones must be retained after the adoption of a new General Plan. In order to do so, **an Implementing Program should be added to the required Conservation and Open Space General Plan Element to address the retention of existing Open Space and Open Spece-1.** By not addressing the County’s existing

designated Open Space, the County fails to meet the intent of California's Government Code requiring protection of Open Space in an Open Space Element.

7. **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 or Open Space-1 set backs along intermittent and perennial streams, as well as rivers, springs, lakes and other wetlands defined under State and Federal environmental laws.**
8. The **Hydrology and Water Quality Section 3.10 of the Draft EIR** for the proposed General Plan 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.**
9. **Most recreational developments** proposed in the **Parks and Recreation Chapter 11** of the proposed General Plan are **incompatible with the biological resources and water quality mitigation** required for past discretionary projects that now have Open Space and Open Space-1 zones. **Conflicts exist with recreational developments promoted in proposed Implementation Programs 11.B.h, 16.B.c, and 16.B.f within Tuolumne County's existing Open Space and Open Space-1 zones.** For instance, pedestrian and equestrian trails can trample rare plants and lead to erosion and siltation of waterways used by aquatic animals. 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 or recreation in the water quality Open Space setback.
10. Proposed General Plan **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 and wetlands. In the recent "Camp" wildfire in Butte County, the TV news media interviewed a man and showed a steam corridor where the man and his dog survived in the stream. The wildfire had jumped over the stream, but the well hydrated riparian vegetation at the edge of the stream remained un-burned.

Well watered lawns and shrubs in the Paradise community also remained un-burned where dogs and cats survived in those TV news footages. The biological values and water quality protection of retaining riparian vegetation in the riparian corridors should not be ignored in creating fire breaks. Riparian vegetation secures the soil along the banks of waterways preventing siltation of the water. **The Open Space and Open Space-1 zoning done as prior mitigation for biological resources impacts would be significantly negatively impacted by future riparian vegetation removal.**

11. Proposed General Plan **Implementation Program 16.B.j.** acknowledges that **even Commercial Agricultural uses result in the loss of Oak Woodland habitat, but are exempt from mitigation for the loss of oak trees.** The focus of this oak Implementation Program is to try to compensate for the oak tree destruction planned during the expansion of development into woodlands. Tuolumne County has about 47,000 acres of oak woodlands (Draft EIR, Volume II, page 195) on private properties that are developed or could be developed under the proposed General Plan. Oak trees not only provide food and shelter for wild animals, these tree also contribute to the aesthetic rural character of Tuolumne County and absorb tons of carbon dioxide air pollution emissions. California Public Resources Code Section 21083 allows the purchase of oak woodlands elsewhere and the planting of acorns to compensate for the loss of oak trees during development. These measures still **result in a long term net loss of oak woodland wildlife habitat, since it takes many years for an acorn to grow into an oak tree that can produce acorns for wild animals** (like deer, western gray squirrels, acorn woodpeckers, quail, wild turkeys, etc.) that need the acorns for winter survival. Because existing designated Open Space corridors are not mapped in the proposed General Plan, the **County fails to provide Open Space migratory pathways for those animals that loose their food resources** (acorns, etc.) due to development in their home range.
12. **Designated wildlife migratory corridors (like those for the County's deer herds in the existing Biological Resources Section 4J of the 1996 General Plan) are needed in the new Open Space Element** so that wild animals can survive while moving on from destroyed habitats to other habitats where they can find food resources. Otherwise, there will be a significant negative impact on biological resources as proposed in the General Plan changes from the 1996 General Plan's Conservation and Open Space Element.
13. 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 dependent upon these habitats.** The relocation of Special Status plant populations, for instance, has had only marginal success in California.
14. The State Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, as well as the County of Tuolumne for decades have all maintained scientific databases for the known location of special status species and special status species habitats considered to be high value biological resources. There is **no need for another bureaucratic layer or costs to**

the County for the proposed separate Voluntary Register of High Value Biological Resources. Voluntary conservation incentives proposed in **Policy 16.C.2 cannot replace mandates to mitigate impacts from development on the high value biological resources** of the County. Those protections for biological resources are required by California and Federal laws and regulations.

15. General Plan Update 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 (NDDDB) 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,** even though their locations are known to the County. **It fails to offer an on-going or continuing Implementation Program to mitigated cumulative 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.
16. The **Draft EIR, Section 3.4-2 states incorrectly** 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 within areas designated by the proposed General Plan for future development. Draft EIR, Section 3.4-2 fails to recognize the "Wildlife Handbook" as having **served for decades to mitigate cumulatively significant impacts to biological resources** in accordance with the 1996 General Plan.
17. The proposed General Plan **Policy 16.B.6** for Biological Resources recommends **only retaining the County's 1996 "Wildlife Handbook" as an "alternative" Program, therefore the proposed General Plan fails to mitigate for cumulatively significant impacts to the County's biological resources.** Having worked previously as a consulting biologist preparing Environmental Impact Reports for a private company and as an AICP Certified Planner, I was assigned as the Senior Planner for the County to oversee the biological resources programs during the 1996 General Plan development, adoption, and implementation for the next decade. In 1997 the Board of Supervisors, by resolution allowed the County's project proponents to hire consultants on the County's approved list to conduct individual studies for the mitigation of biological resources on their project sites as an alternative to the standard use of the "Wildlife Handbook", especially when the biological

issue was not addressed in the “Wildlife Handbook” or the special status of that species was changed since the adoption of the “Wildlife Handbook”. Because of the high costs for consultants, this **individual review was rare. However, the mitigation that the consultants developed always needed to at least meet the mitigation equivalency outlined in the “Wildlife Handbook” in order to address the cumulatively significant impacts to biological resources and for consistency with Policies and Implementing Programs in Section 4J of the 1996 General Plan. The “Wildlife Handbook” was never considered an “alternative”, but the individual studies were considered alternatives to the standard use of the “Wildlife Handbook”.** The proposed General Plan consultants have mischaracterized the facts and policies of the County’s use since 1987 of their “Wildlife Handbook” in proposed General Plan **Policy 16.B.6.** Because the standard use of the “Wildlife Handbook” by the County as its CEQA mitigation plan for discretionary projects is now being proposed to be changed from the standard mitigation plan for biological resources and subordinated to a mere alternative, **this policy change would constitute a significant negative impact on biological resources and is indeed relevant to this proposed General Plan and its EIR’s adequacy under CEQA.** Proposed General Plan **Policy 16.B.6 fails to clarify that individual mitigation programs must at least be equivalent to 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, all induced by new individual development projects. Any revision to these **Policies should be similar to Tuolumne County’s existing Biological Resources Implementing Program in Section 4J of the General Plan,** as adopted by the Board of Supervisors through Resolution 230-96 on December 26, 1996.

18. When the County’s existing “Wildlife Handbook” is updated, language is needed to assure it remains as an on-going Implementation Program to **address cumulatively significant impacts to the County’s approximately 140 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 proposed General Plan 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.**
19. The existing “Wildlife Handbook” was accepted by the regulatory agencies as **appropriate mitigation for the 1996 County General Plan’s impacts on biological resources.** Any revision to this existing General Plan Implementing Program should **serve not just as an alternative Biological Resources Conservation Handbook (as proposed in Policy 16.B.6), but as the General Plan Update’s Implementation Program for cumulatively significant impacts to biological resources,** which are very likely to result from this proposed General Plan’s changes in land uses and the Draft EIR’s projected growth to a population of 64,000 by 2040. **Any proposed alternative use of individual mitigation plans must at least be equivalent to those specified in the “Wildlife Handbook” in order to address cumulatively significant impacts to Tuolumne County’s biological resources.**
20. Tuolumne County’s Board of Supervisors originally adopted the County’s “Wildlife Handbook” on November 2, 1987, to implement the County General Plan’s Biological

Resources, Open Space, and Water Resources programs. Prior to that date **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" as adopted for the County's General Plan Biological Resources Implementation 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.

21. The 1996 "Wildlife Handbook" certainly needs to be updated to address species removed from State and Federal lists and species subsequently added to State and Federal lists. 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 pre-agreed mitigation plans for special status species habitats found in the "Wildlife Handbook" have saved developer's time and money** in the past review of CEQA discretionary projects. **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 also addressed in proposed General Plan **Implementation Measure 16.B.k.** If this mitigating "Wildlife Handbook" is not continued as the standard for the new General Plan, then the County and its developers would be better served by the current General Plan's Conservation and Open Space Element. 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 (EIR) companies rich, while property owners are forced to empty their pockets to pay dearly for the environmental review costs on an individual basis where special status species or waterways are known to occur, because they would have no pre-agreed mitigation plan.**
22. The stated political objective of the proposed General Plan is "eliminating land use restrictions that delay or increase the cost of development". **The proposed General Plan largely ignores conservation values held in the existing 1996 General Plan's Conservation and Open Space Element. However, the County is not exempt from compliance with California State and Federal laws and regulations regarding the conservation of Open Space, conservation of Biological Resources, and conservation of Water Quality for waterways and wetlands required of any General Plan in the State of California.** Focusing only on oak woodland mitigation does not adequately provide for other wildlife habitats needed. The existing 1996 General Plan's Conservation and Open Space Element provides mitigation Policies and Implementation Programs for all types of wildlife habitats, waterways, wetlands, and native plants that are missing in the proposed General Plan. **This proposed change in General Plan Policies regarding biological resources renders the County's biological resources subject to cumulatively significant negative impacts.**
23. By not making the updated Biological Resources Handbook or the existing "**Wildlife Handbook**" mentioned in **Policy 16.B.6** a **continuing** measure, a **standard** to which all alternative individual mitigation measures must be equivalent, instead of a mere **alternative** measure in the proposed General Plan, the new County General Plan would no longer have its mitigation program for **cumulatively significant impacts on biological resources** from over-all future expected development.

24. The **Draft EIR, Section 6.3**, Summary of Project Impacts, acknowledges that this proposed General Plan changes in land use designations 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 General Plan Policies 8.A.2 and 8.A.3** are in conflict not only with California’s agricultural policies to protect **High-Value or Prime Agricultural Lands; are in conflict with the Williamson Act**; would remove existing protections for these lands in the Agricultural Policies of the 1996 County General Plan; and are **in conflict with the proposed General Plan Policies 8.B.1, 8.B.2., 8.B.3 and Implementation Program 8.A.a. that would protect High-Value agricultural lands and Williamson Act lands. This changes in land uses from Agricultural to Urban uses results in internal inconsistencies in the proposed General Plan.**
25. **Draft EIR Alternative 5**, the **Williamson Act Property Preservation alternative** instead of the proposed General Plan 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 urban uses. To achieve the same amount of housing identified as needed in the proposed General Plan, 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** in the proposed General Plan. Another benefit from confining new urban 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 new General Plan into these High-Value Agricultural lands.
26. **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.
27. 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”. The proposed General Plan **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 significantly more growth**. Evidence of this was called out in the proposed General Plan’s **Policy 14.A.1 promoting the pursuit of new water diversion rights** for the County, a need proved 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. **It is highly unlikely, in this age of water shortages State wide, that other jurisdictions with water diversion rights to waters in Tuolumne County will surrender or sell those water rights.** Therefore, Chapter 14 of the proposed General Plan proposes **reducing the average existing household water use through "conservation" in order to take the saved water to give to developers. If households can no longer receive adequate water to maintain their landscaping in a green, hydrated condition, it will increase the wildfire risk for private yards in the County.**

28. To summarize, the proposed General Plan **fails to even offer the same level of protections for wildlife habitats, waterways, wetlands, valuable agricultural lands, and for designated Open Space that is currently found in the 1996 Tuolumne County General Plan's Conservation and Open Space Element.** The proposed policy changes noted in this letter reach the following bullet point thresholds of **significant negative impacts defined by CEQA** as follows:

- The dropping of these existing protective Policies and Implementing Programs in the proposed General Plan will have a **substantial adverse effect, either directly or through habitat modifications, on the County's species identified as a candidate, sensitive, or special status species** conflicting with existing policies and regulations of the State of California, or by the California Department of Fish and Wildlife, or by the U.S. Fish and Wildlife Service.
- The proposed dropping of these existing protective Policies and Implementing Programs will have a **substantial adverse effect on the County's riparian habitat and other sensitive natural communities** identified in existing local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife, or the U.S. Fish and Wildlife Service.
- The proposed dropping of these existing protective Policies and Implementing Programs will cause a **substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, etc.)** resulting in removal, filling, hydrological interruption, or other means of impacting the County's wetlands.
- The proposed dropping of these existing protective Policies and Implementing Programs will **interfere substantially with the movement of native resident wildlife or migratory fish species and interfere with established native resident wildlife migratory corridors, or impede the use of native wildlife nursery sites.**
- The proposed dropping of these existing protective Policies and Implementing Programs could **substantially alter the existing drainage pattern of the County's wetlands, including the alteration of the course of streams or rivers, in a manner which would result in substantial erosion or siltation on- or off-site and substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.**
- The proposed dropping of these existing protective Policies and Implementing Programs could **substantially degrade water quality** in Tuolumne County.

29. California Public Resources Code Section 21002 requires that a **public agency should not approve a project as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the significant environmental effects** from the project. In this case, **retaining the**

Conservation and Open Space Element of the 1996 Tuolumne County General Plan and its implementing Biological Resources Handbook (aka "Wildlife Handbook") **is a very feasible alternative** to the proposed General Plan's Natural Resource Element. The existing Open Space Plans, Policies, and Implementing Programs found in Section 4J of the 1996 existing General Plan and the "Wildlife Handbook" have been used in Tuolumne County for decades, represent the continuing values held by Californians toward the natural environment, and would substantially lessen the significant environmental impacts from the proposed County General Plan upon Open Space resources, biological resources, and water quality.

Respectfully,

Robin Wood

Robin Wood
Retired Tuolumne County Senior Planner (1990-2005)
Tuolumne County Property Owner and Tax Payer
P.O. Box 1044
Benicia, CA 94510

December 17, 2018

Tuolumne County Planning Commission
2 South Green Street
Sonora, CA 95370

RE: Proposed General Plan Deficiencies

Dear Planning Commissioners:

1. I have been drawn out of retirement by community concerns and am concerned by some missing planning mitigation implementation programs for expected **cumulatively significant impacts**, as defined by the California Environmental Quality Act (CEQA), in the currently proposed Tuolumne County General Plan. 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 proposed 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.**
2. **California Government Code Section 65302 requires the County's General Plan to have a Conservation Element and an Open Space Element. California Government Code Section 65560 establishes the criteria to be addressed in the mandatory Open Space Element.** Combining these required General Plan Elements into a "Natural Resources Element" that promotes development as its Vision Statement (OAV1) and promotes the protection of the "managed production of resources" (like mining and timbering), defeats the other Conservation and Open Space values established by the State of California. **The proposed "Natural Resources Element" defeats the protection of Open Space lands for other resources uses (such as protections for special status species, diverse wildlife habitats, wetlands and waterway with Open Space buffer zones to prevent erosion and siltation). The proposed General Plan outlines additional protections for mining and timbering in a separate "Managed Resources Element", with those Policies overriding the "Natural Resources Element".** Wildlife habitats other than oak woodlands, and waterway protections may have been considered in the "Natural Resources Element", but the proposed General Plan **fails to offer policies adequate for the protection from cumulatively significant impacts** to the County's diverse wildlife habitats, and fails at protection of the County's aquatic resources, waterways and wetlands.
3. The General Plan Update Draft Environmental Impact Report (DEIR) and proposed **Policy 16.B.2 incorrectly implies 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 species, like rare 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 (like sawmills and animal rendering plants). These timberland and agricultural allowed uses are harmful to wildlife and their habitats. The proposed General Plan changes to Agricultural land uses, such as allowing **rendering plants and sewage sludge deposits (also to be allowed in Residential Estate zones), as well as herbicide, pesticide, and rodenticide uses does not offer Open Space protection for the wildlife values.**

Although suggested in the General Plan Update DEIR in order to attempt to justify not having designated Open Space lands for wildlife and biological values, agricultural lands and timberlands cannot always serve as wildlife habitats, especially intense crop management activities. **As currently written, the assumption of conservation of biological resource values in timberlands and agricultural lands is scientifically inaccurate.**

4. This proposed General Plan **fails to designate continuing Open Space protections for the Open Space lands already designated by Tuolumne County as mitigation** for past significant negative impacts upon the environment from development projects subject to past CEQA reviews. These Open Space and Open Space-1 lands were already zoned with the written consent of the land owner applying for the CEQA discretionary projects 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 and Open Space-1 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 the retention of existing Open Space and Open Spece-1.** By not addressing the County's existing designated Open Space, the County fails to meet the intent of California's Government Code requiring an Open Space Element.
5. The proposed General Plan **fails to even offer the same level of protections for wildlife habitats, waterways, wetlands and for designated Open Space that is currently found in the 1996 Tuolumne County General Plan's Conservation and Open Space Element.** The proposed policy changes noted in this letter reach the following bullet point thresholds of significant negative impacts defined by CEQA as follows:
 - The dropping of these existing protective Policies and Implementing Programs in the proposed General Plan will have a **substantial adverse effect, either directly or through habitat modifications, on the County's species identified as a candidate, sensitive, or special status species** conflicting with existing policies and regulations of the State of California, or by the California Department of Fish and Wildlife, or by the U.S. Fish and Wildlife Service.
 - The proposed dropping of these existing protective Policies and Implementing Programs will have a **substantial adverse effect on the County's riparian habitat and other sensitive natural communities** identified in existing local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife, or the U.S. Fish and Wildlife Service.
 - The proposed dropping of these existing protective Policies and Implementing Programs will cause a **substantial adverse effect on federally protected wetlands as defined**

- **by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, etc.)** resulting in removal, filling, hydrological interruption, or other means of impacting the County's wetlands.
 - The proposed dropping of these existing protective Policies and Implementing Programs will **interfere substantially with the movement of native resident wildlife or migratory fish species and interfere with established native resident wildlife migratory corridors, or impede the use of native wildlife nursery sites.**
 - The proposed dropping of these existing protective Policies and Implementing Programs could **substantially alter the existing drainage pattern of the County's wetlands,** including the alteration of the course of streams or rivers, in a manner which would **result in substantial erosion or siltation on- or off-site and substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.**
 - The proposed dropping of these existing protective Policies and Implementing Programs could **substantially degrade water quality** in Tuolumne County.
6. **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 or Open Space-1 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 proposed General Plan 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.**
7. **Most recreational developments** proposed in the **Parks and Recreation Chapter 11** of the proposed General Plan are **incompatible with the biological resources and water quality mitigation** required for past discretionary projects that now have Open Space and Open Space-1 zones. **Conflicts exist with recreational developments promoted in proposed Implementation Programs 11.B.h, 16.B.c, and 16.B.f within Tuolumne County's existing Open Space and Open Space-1 zones.** For instance, pedestrian and equestrian trails can trample rare plants and lead to erosion and siltation of waterways used by aquatic animals. 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 or recreation in the water quality Open Space setback.

8. Proposed General Plan **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 and wetlands. The biological values and water quality protection of retaining riparian vegetation in the riparian corridors should not be ignored in creating fire breaks. Riparian vegetation secures the soil along the banks of waterways preventing siltation of the water. The Open Space and Open Space-1 zoning done as prior mitigation for biological resources impacts would be significantly negatively impacted by future riparian vegetation removal.
9. Proposed General Plan **Implementation Program 16.B.j.** acknowledges that **even Commercial Agricultural uses result in the loss of Oak Woodland habitat, but are exempt from mitigation for the loss of oak trees.** The focus of this Implementation Program is to try to compensate for the oak tree destruction planned during the expansion of development into woodlands. Tuolumne County has about 47,000 acres of oak woodlands (Draft EIR, Volume II, page 195) on private properties that are developed or could be developed under the proposed General Plan. Oak trees not only provide food and shelter for wild animals, these tree also contribute to the aesthetic rural character of Tuolumne County and absorb tons of carbon dioxide air pollution emissions. California Public Resources Code Section 21083 allows the purchase of oak woodlands elsewhere and the planting of acorns to compensate for the loss of oak trees during development. These measures still **result in a long term net loss of oak woodland wildlife habitat, since it takes many years for an acorn to grow into an oak tree that can produce acorns for wild animals** (like deer, western gray squirrels, acorn woodpeckers, quail, wild turkeys, etc.) that need the acorns for winter survival. Because existing designated Open Space corridors are not mapped in the proposed General Plan, the **County fails to provide Open Space migratory pathways for those animals that loose their food resources** (acorns, etc.) due to development in their home range.
10. **Designated wildlife migratory corridors (like those for the County's deer herds in the existing Biological Resources Section 4J of the 1996 General Plan) are needed in the new Open Space Element** so that wild animals can survive while moving on from destroyed habitats to other habitats where they can find food resources. Otherwise, there will be a significant negative impact on biological resources as proposed in the General Plan changes from the 1996 General Plan's Conservation and Open Space Element.
11. 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 dependent upon these habitats.** The

relocation of Special Status plant populations, for instance, has had only marginal success in California.

12. The State Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, as well as the County of Tuolumne for decades have all maintained scientific databases for the known location of special status species and special status species habitats considered to be high value biological resources. There is **no need for another bureaucratic layer or costs to the County for the proposed separate Voluntary Register of High Value Biological Resources**. Voluntary conservation incentives proposed in Policy 16.C.2 cannot replace mandates to mitigate impacts from development on the high value biological resources of the County. Those protections for biological resources are required by California and Federal laws and regulations.
13. General Plan Update 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 (NDDDB) 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. It fails to offer an on-going or continuing Implementation Program to mitigated cumulative 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.
14. The **Draft EIR, Section 3.4-2 states incorrectly** 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 proposed General Plan. **Draft EIR, Section 3.4-2** fails to recognize the "Wildlife Handbook" as having served for decades to mitigate cumulatively significant impacts to biological resources in accordance with the 1996 General Plan.
15. Because the proposed General Plan **Policy 16.B.6** for Biological Resources, recommends **only retaining the County's 1996 "Wildlife Handbook" as an "alternative" Program, the proposed General Plan fails to mitigate for cumulatively significant impacts to the County's biological resources**. Having worked previously as a consulting biologist preparing Environmental Impact Reports for a private company and as an AICP Certified

Planner, I was assigned as the Senior Planner for the County to oversee the biological resources programs during the 1996 General Plan development, adoption, and implementation for the next decade. In 1997 the Board of Supervisors, by resolution allowed the County's project proponents to hire consultants on the County's approved list to conduct individual studies for the mitigation of biological resources on their project sites as an alternative to the standard use of the "Wildlife Handbook", especially when the biological issue was not addressed in the "Wildlife Handbook" or the special status of that species was changed since the adoption of the "Wildlife Handbook". Because of cost, this **individual review was rare. However, the mitigation that the consultants developed always needed to at least meet the mitigation equivalency outlined in the "Wildlife Handbook" in order to address the cumulatively significant impacts to biological resources and for consistency with Policies and Implementing Programs in Section 4J of the 1996 General Plan. The "Wildlife Handbook" was never considered an "alternative", but the individual studies were considered alternatives to the standard use of the "Wildlife Handbook".** You have mischaracterized the facts and policies of the County's use since 1987 of their "Wildlife Handbook" in proposed General Plan **Policy 16.B.6**. Because the standard use of the "Wildlife Handbook" by the County as its CEQA mitigation plan for discretionary projects is now being proposed to be changed from the standard mitigation plan for biological resources and subordinated to a mere alternative, this policy change would constitute a significant negative impact on biological resources and is indeed relevant to this proposed General Plan and its EIR's adequacy under CEQA. Proposed General Plan **Policy 16.B.6 fails to clarify that individual mitigation programs must at least be equivalent to 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, induced by new individual development projects. Any revision to these **Policies should be similar to Tuolumne County's existing Biological Resources Implementing Program in Section 4J of the General Plan**, as adopted by the Board of Supervisors through Resolution 230-96 on December 26, 1996.

16. When the County's existing "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 proposed General Plan 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.**
17. The existing "Wildlife Handbook" was accepted by the regulatory agencies as **appropriate mitigation for the 1996 County General Plan's impacts on biological resources**. Any revision to this existing General Plan Implementing Program should serve **not just as an alternative Biological Resources Conservation Handbook (as proposed in Policy 16.B.6), but as the General Plan Update's Implementation Program for cumulatively significant impacts to biological resources**, which are very likely to result from this proposed General Plan's changes in land uses and the Draft EIR's projected growth to a population of 64,000 by 2040. **Any proposed alternative use of individual mitigation plans must at least be equivalent to those specified in the "Wildlife**

Handbook” in order to address cumulatively significant impacts to Tuolumne County’s biological resources.

18. Tuolumne County’s Board of Supervisors originally adopted the County’s “Wildlife Handbook” on November 2, 1987, to implement the County General Plan’s Biological Resources, Open Space, and Water Resources programs. Prior to that date **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” as adopted for the County’s General Plan Biological Resources Implementation 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.
19. The 1996 “Wildlife Handbook” certainly needs to be updated to address species removed from State and Federal lists and species subsequently added to State and Federal lists. 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 pre-agreed mitigation plans for special status species habitats found in the “Wildlife Handbook” have save developer’s time and money** in the past review of CEQA discretionary projects. **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 proposed General Plan **Implementation Measure 16.B.k.** If this mitigating “Wildlife Handbook” is not continued for the new General Plan, then the County and its developers would be better served by the current General Plan’s Conservation and Open Space Element. 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 (EIR) companies rich, while property owners are forced to empty their pockets to pay dearly for the environmental review costs on an individual basis where special status species are known to occur,** because they would have no pre-agreed mitigation plan.
20. California **Public Resources Code Section 21002** requires that a **public agency should not approve a project as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen the significant environmental effects** from the project. In this case, **retaining the Conservation and Open Space Element of the 1996 Tuolumne County General Plan** and its implementing Biological Resources Handbook (aka “Wildlife Handbook”) is a very **feasible alternative to the proposed General Plan.** These existing Open Space Plans, Policies, and Implementing Programs found in the Wildlife Handbook have been used in Tuolumne County for decades, represent the continuing values held by Californians toward the natural environment, and would substantially lessen the significant environmental impacts from the proposed County General Plan upon Open Space resources, biological resources, and water quality.
21. The stated political objective of the proposed General Plan is “eliminating land use restrictions that delay or increase the cost of development”. **The proposed General Plan largely ignores conservation values held in the existing 1996 General Plan’s Conservation and Open Space Element. However, the County is not exempt from**

compliance with California State and Federal laws and regulations regarding the conservation of Open Space, conservation of Biological Resources, and conservation of Water Quality for waterways and wetlands required of any General Plan in the State of California. Focusing only on oak woodland mitigation does not adequately provide for other wildlife habitats needed. The existing 1996 General Plan's Conservation and Open Space Element provides mitigation Policies and Implementation Programs for all types of wildlife habitats, waterways, wetlands, and native plants that are missing in the proposed General Plan. **This proposed change in General Plan Policies regarding biological resources renders the County's biological resources subject to cumulatively significant negative impacts.**

22. By not making the updated Biological Resources Handbook or the existing "**Wildlife Handbook**" mentioned in **Policy 16.B.6** a **continuing** measure, a **standard** to which all alternative individual mitigation measures must be equivalent, instead of a mere **alternative** measure in the proposed General Plan, the new County General Plan would no longer have its mitigation program for **cumulatively significant impacts on biological resources** from over-all future expected development.
23. The Draft EIR, Section 6.3, Summary of Project Impacts, acknowledges that this proposed General Plan 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 General Plan Policies 8.A.2 and 8.A.3 are in conflict not only with California's agricultural policies to protect High-Value or Prime Agricultural Lands and in conflict with the Williamson Act**, would remove protections for these lands in the Agricultural Policies of the existing County General Plan, and are **in conflict with the proposed General Plan Policies 8.B.1, 8.B.2., 8.B.3 and Implementation Program 8.A.a. that would protect High-Value agricultural lands and Williamson Act lands. This results in internal inconsistencies in the General Plan Update.**
24. **Draft EIR Alternative 5, the Williamson Act Property Preservation alternative** instead of the proposed General Plan 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 proposed General Plan, 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 new General Plan into these High-Value Agricultural lands.

25. **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.
26. 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”. The proposed General Plan **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 called out in the proposed General Plan’s **Policy 14.A.1 promoting the pursuit of new water diversion rights** for the County, a need proved 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. **It is highly unlikely, in this age of water shortages State wide, that other jurisdictions with water diversion rights to waters in Tuolumne County will surrender or sell those water rights.**
27. 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 1996 General Plan’s Conservation and Open Space Element 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.
28. **Solution for a more legally defensible and environmentally superior Alternative:**
Simply retain the existing Conservation and Open Space Element of the Tuolumne County General Plan as the new Conservation and Open Space Element for the proposed General Plan, including retaining the Biological Resources existing General Plan Implementing Program Section 4J (the Biological Resources Handbook, aka: Wildlife Handbook used by the County since 1987) to fulfill our County’s roll as a good steward of our wildlife.

Respectfully,

Robin Wood

Robin Wood
Retired Tuolumne County Senior Planner (1990-2005)
Tuolumne County Property Owner and Tax Payer
P.O. Box 1044
Benicia, CA 94510

Quincy Yaley

From: Alicia Jamar
Sent: Wednesday, December 19, 2018 4:58 PM
To: BOS Members
Cc: Sarah Carrillo; Carlyn Drivdahl; Tracie Riggs; David Gonzalves; Quincy Yaley
Subject: FW: Website request for Board Members - GPA

FYI

Alicia L. Jamar
Chief Deputy Clerk of the Board of
Supervisors of Tuolumne County

S (209) 533-5521 ☎(209) 533-6549
(ajamar@co.tuolumne.ca.us)
www.tuolumnecounty.ca.gov

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-----Original Message-----

From: Susan Reichle [<mailto:stefani@mlode.com>]
Sent: Wednesday, December 19, 2018 4:47 PM
To: Alicia Jamar
Subject: Website request for Board Members

Hello,

I am a home owner in Jamestown. I am writing to request that the vote on approval of the Tuolumne County General plan be delayed. This will not only give citizens the time to review it, but also allow the newly elected —and thus the current choice of voters—Supervisors to vote on it.

Please make this proposal as soon as possible to restore people's faith in our local government.

sincerely ,

Susan S. Reichle R.N.
Jamestown, CA

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



WWW.CALIFORNIAWILDLIFEFOUNDATION.ORG
tel 510.208.4436
fax 510.268.9948

December 18, 2018

Honorable Tuolumne County Planning Commissioners
Tuolumne County Community Resources Agency
48 Yaney Avenue
Sonora, CA 95370

Submitted via email: c/o Quincy Yaley, Assistant Director, Tuolumne County Community Resources Agency, qualey@cotuolumne.ca.us and Taryn Vanderpan, Administrative Assistant, Tuolumne County Community Resources Agency, tvanderpan@co.tuolumne.ca.us

RE: Final Environmental Impact Report (FEIR) for the Tuolumne County General Plan Update Project, State Clearinghouse No. 2015082027

To the Honorable Tuolumne County Planning Commissioners:

The California Oaks program of California Wildlife Foundation works to conserve oak ecosystems because of their critical role in sequestering carbon, maintaining healthy watersheds, providing wildlife habitat, and sustaining cultural values. This letter follows one sent October 10, 2018 to the Community Resources Agency regarding provisions in the General Plan associated with Tuolumne County's oak resources. We address comments specific to the October letter as well as the plan's oak woodland provisions in general.

1. Mitigation inadequate for greenhouse gas (GHG) impacts:

Comment 01-1 (FEIR page 3-72) about the California Wildlife Foundation/California Oaks (CWF/CO) October 10 letter states:

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.

Response: CWF/CO disagrees that the mitigation measures proposed by the county are adequate to mitigate for the GHG impacts of oak removals. Below, is language from environmental documentation about the proposed General Plan, describing the mitigation: *At a minimum, 1 acre of oak woodland habitat providing similar functions and value will be placed under conservation easement for every acre of oak woodlands habitat lost* (page 6, 2018 Tuolumne County General Plan Update, Language and Land Use Designation Changes from ALUC, Public, and Response to Comments). Further, the Draft Recirculated Environmental Impact Report (DREIR) states:

For those impacts on oak woodland that cannot be avoided, the County will require the project applicant to minimize adverse effects. If substantial conversion of oak woodland will occur based on Implementation Program 16.B.j, the County will require one or more of the following mitigation measures be implemented to mitigate the impact from loss of oak woodland habitat pursuant to Public Resources Code Section 21083.4, ([emphasis added: *which specifies certain projects, including commercial agricultural production, are exempt from the requirements of Section 21083.4*]):

- Conserve oak woodlands through the purchase of conservation easements.
- Plant acorns and container stock from a local seed source to replace oak woodland removed. The following parameters will be applied:
 - ▼ Plant an appropriate number of trees, including maintaining plantings and replacing dead or diseased trees.
 - ▼ Maintain trees for seven years after the trees are planted.
 - ▼ 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.
 - ▼ Mitigation through planting may be used to restore former or degraded oak woodlands.
- Contribute funds to the Oak Woodlands Conservation Fund, as established under subdivision (a) of Section 1363 of the Fish and Game Code, for the purpose of purchasing oak woodland conservation easements, the Tuolumne County Oak Woodland Conservation Fund, or other appropriate established oak woodland conservation fund (page ES-10, DREIR).

As noted in the CWF/CO letter dated October 10, 2018: CEQA’s sole GHG focus is “the mitigation of greenhouse gas emissions or the effects of greenhouse gas emissions.” Net present value of GHG emissions forms the foundation of the state’s greenhouse reduction objectives, as well as the California Forest Protocol preservation standards. Every ton of carbon dioxide (CO₂) released into the atmosphere by oak woodland or forest conversion represents a measurable potential adverse environmental effect, which is covered by CEQA. Thus California requires the analysis and mitigation of greenhouse gas emissions associated with proposed oak woodland or forest conversions.

Project mitigation that is based on the preservation (“avoided conversion”) of existing natural lands at a rate of 1:1 does not adequately mitigate GHG emissions of natural lands conversion. Existing trees, understory, and soil conserved by the mitigation, do not sequester a sufficient carbon to reduce impacted biomass GHG emission effects over time unless the mitigation rate is

at least 3:1. The logic of equating an acorn planted to above-and below-ground carbon sequestration of a tree that has been growing for 100 years or longer is even more flawed.

Comment 01-2

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.

Response: Comment 01-1 above speaks about the mitigation of impacts *through* mitigation measures whereas section I, *Oaks on Agricultural Lands*, in the CWF/CO letter of October 10 addressed the lack of mitigation measures for oaks growing on agricultural lands. We made this assumption because the **Premature Removal of Oak Tree Ordinance** exempts removals of oaks from on agricultural lands from the provisions of the ordinance:

F. Removal of native oak trees on land within an agricultural zoning district for the purpose of producing or processing plant or animal products for commercial purposes;

CWF/CO would be very pleased if the mitigation measures in the General Plan were not exempted in this situation as stated in Comment 01-2, above, yet the quoted text (page 2 of this letter) that is italicized and directly quoted from the DREIR about mitigation measures also states that oak removals on agricultural lands are exempt from mitigation.

2. Need for stronger standard of significance:

Comment 01-2, continues:

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.

Response: The CWF/CO letter dated October 10, 2018 recommended 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." There were two primary reasons we made this recommendation. The first is that our organization recommends a retention rate of at least 90% to ensure oak perpetuation. This figure is reflective of threats oaks face from agricultural land conversion, disease, water deficits (due to drought and water diversions), impacts of grazing and browsing on regeneration, increased temperatures, soil impacts of non-native grasses, catastrophic fire, and poorly-planned development.

Secondly, we understand that habitat values vary among landscapes. This is why we recommend stronger protections for oak habitats that meet certain criteria. Further, in light of our recommendation of 90% retention for conversion projects, the threshold of significance should be less than 10% in order to not diminish Tuolumne County's natural capital.

California Oaks Foundation, now a program of CWF, published *Oaks 2040* in 2006 to assess the condition of California's primary old-growth resource. The publication reported on the San

Joaquin region's (which includes Tuolumne County) oak resources at the time of analysis: *More than one-third of these oaks are larger than 5" DBH.*¹ (See: californiaoaks.org/wp-content/uploads/2016/04/Oaks2040-Final.pdf) The great number of trees smaller than 5" DBH provide important habitat, carbon sequestration, and other environmental functions.

3. Need for clarity in articulating special oak protections:

Comment 01-2, continues:

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.

Response: California Wildlife Foundation/California Oaks suggests that the protections articulated below, which we understand, from the environmental documentation, are to be continued in the General Plan (per Policy 16.A.6), be clearly articulated, rather than listed as bulleted items for consideration in allowing oak woodland conversions.

Tuolumne County Ordinance Code Chapter 9.24 of the County's Ordinance Code, Premature Removal of Native Oak Trees, provides requirements intended to discourage the premature removal of oak trees. Chapter 9.24 stipulates that the removal of native oak trees from a project site within the five (5) years preceding the submittal of an application for a discretionary entitlement from the County of Tuolumne for a land development project on that site is deemed premature removal and sets forth penalties and requirements for mitigation. Chapter 9.24 specifies that removals that qualify include:

- Removal of native oak trees resulting in a 10 percent or more (>10 percent) average decrease in native oak canopy cover within an oak woodland;
- Removal of any old growth oak trees, defined as any native oak tree that is 24" or greater in diameter at breast height (dbh);
- Removal of any Valley Oak measuring 5" or greater dbh.

4. Need for absolute limits on oak removals over time and for monitoring implementation of General Plan:

Comment 01-2, continues:

... 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

¹ Gaman, T., and J. Firman. 2006. *Oaks 2040: The Status and Future of Oaks in California*. Oakland: California Oak

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.

Response: CWF/CO's recommendation that absolute limits on oak removals over time be developed so that a landowner is not able to incrementally remove oaks beyond a certain threshold is not addressed by the Premature Tree Removal Ordinance's prohibition of tree removal before the submission of a development. Our concern is that incremental removals can result in complete removal if there are no absolute limits on oak removals over time.

Lastly, the recommendation 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 is offered in the spirit of oak woodland stewardship. Tuolumne County has irreplaceable oak resources. The considerable effort and expense that has gone into the General Plan would be well-served if progress in stewarding oak woodlands and other important natural resources were to be assessed at regular intervals and assessment results were reported and used to determine if additional protections were necessary.

Thank you for your consideration of our comments.

Sincerely,



Janet Cobb
Executive Officer
California Wildlife Foundation



Angela Moskow
Manager, California Oaks Coalition