

1.0 INTRODUCTION

This document is a Draft Environmental Impact Report (EIR) that evaluates the potential environmental effects associated with implementation of the draft Tuolumne County General Plan Update (also called the “General Plan Update” within this EIR). The General Plan Update encompasses revisions to the existing General Plan Elements including changes to the Land Use diagrams. The General Plan Update includes goals, policies and implementation programs that will guide the development of Tuolumne County through the year 2040.

This section: (1) provides an overview of the background behind the existing 1996 General Plan; (2) summarizes the process involved in developing the General Plan Update; (3) describes the purpose of and legal authority of the EIR document; (4) summarizes the scope and content of the EIR; (5) lists lead, responsible, and trustee agencies for the EIR; (6) describes the intended uses of the EIR; and (7) provides a synopsis of the environmental review process required under CEQA.

The contents of other EIR sections are as follows:

- *Section 2.0, Project Description, provides a detailed discussion of the draft General Plan Update that includes the Land Use, Circulation, Housing, Natural Resources, Noise, Safety, Public Facilities and Services, Recreation, Cultural Resources Management, Economic Development, Agricultural Resources, Air Quality, Community Identity, Water Resources, and Healthy Communities Elements, as well as the five Community Plans.*
- *Section 3.0, Environmental Setting, describes the general environmental setting for Tuolumne County.*
- *Section 4.0, Environmental Impact Analysis, describes the potential environmental effects associated with the preferred land use scenario.*
- *Section 5.0, Other CEQA Requirements, discusses issues such as growth inducement and significant irreversible environmental effects.*
- *Section 6.0, Alternatives, discusses alternatives to the draft General Plan Update, including the CEQA-required “no project” alternative.*
- *Section 7.0, References and Preparers, lists informational sources for the EIR and persons involved in the preparation of the document.*

1.1 OVERVIEW OF THE GENERAL PLAN

The existing Tuolumne County General Plan was adopted on December 26, 1996. The Tuolumne County 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.

As part of the general plan, the County also developed five community plans to address growth and resource issues in five of the County’s unincorporated communities which serve as the most likely areas for County unincorporated urban growth accommodation.



State law (Government Code Section 65300) requires that each city and county adopt a comprehensive general plan. The proposed project fulfills this requirement by updating the County's existing General Plan. The General Plan defines the framework by which the County's physical and economic resources are to be managed and used in the future. The General Plan's planning horizon is the year 2040. County decision-makers will use the plan as a blueprint for:

- *Choices about the use of land*
- *Protection of environmental resources*
- *Conservation and development of new housing*
- *Provision of supporting infrastructure and public and human services*
- *Protection of people and property from natural and man-made hazards*

The General Plan Update clarifies and articulates the County's intentions with respect to the rights and expectations of the various communities, including residents, property owners, and businesses. Through the General Plan, the County informs these groups of its goals, policies, and standards, thereby communicating expectations of the public and private sectors for meeting community objectives.

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

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. 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.

1.2 GENERAL PLAN UPDATE PROCESS

Since 2007, the County of Tuolumne 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 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 (see Section 2.4 for a further explanation of the Distinctive Communities Growth Scenario).

Tuolumne County's General Plan Update has been formulated to reflect this preferred growth scenario. Within the Distinctive Communities Growth Scenario each community contains a well defined, cohesive, and compact community built around an appropriately-scaled urban core and community gathering places. The size of each community is based on a locally defined urban development boundary area as well as a defined community boundary.

The proposed project includes the update of the seven mandatory General Plan elements. Government Code Section 65302 requires a General Plan to have both a Conservation Element and an Open Space Element, but also authorizes these elements to be combined. Due to the similar themes of these elements, they have been combined in the proposed General Plan Update as the Natural Resources Element to minimize redundancy. The mandatory elements included in the General Plan Update are as follows:

- Land Use Element
- Circulation Element
- Housing Element
- Natural Resources Element
- Noise Element
- Safety Element

In addition to the mandatory elements discussed above, the comprehensive update of Tuolumne County's General Plan includes the following optional elements:

- Public Facilities and Services Element
- Recreation Element
- Cultural Resources Management Element
- Economic Development Element
- Agricultural Resources Element
- Air Quality Element
- Community Identity Element

Furthermore, two new optional elements are included as part of the General Plan Update, which are as follows:

- Water Resources Element
- Healthy Communities Element

Finally, there are plans for five of Tuolumne County's individual communities, which include:

- Jamestown Community Plan
- Columbia Community Plan
- East Sonora Community Plan
- Tuolumne Community Plan
- Mountain Springs Community Plan



The key features of each Element of the General Plan Update are further summarized in Section 2.0, *Project Description*.

Public participation is a necessary element to a comprehensive general plan update, and public involvement meetings were held throughout the General Plan Update process. The Board of Supervisors Planning Committee (BOSPC) has been designated by the Board of Supervisors to serve as the steering committee for the General Plan Update project. The BOSPC conducted 10 meetings, all of which were open to the public. In February 2015, County Staff held two public workshops (scoping meetings), one in Sonora with the Board of Supervisors and another in Groveland. 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 amendments. In addition, the public was 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 on the General Plan update. In addition, property owners on those properties with proposed land use designation changes were notified by County Staff by written notice and Staff was available to discuss questions and clarifications regarding proposed land use changes with individual property owners. 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 the land use diagrams, including individual property, as well as the proposed text changes to the General Plan Elements.

1.3 LEGAL AUTHORITY

This EIR has been prepared in accordance with the California Environmental Quality Act (CEQA), the *State CEQA Guidelines*, and the County's Rules for the Implementation of CEQA. In accordance with Section 15121 (a) of the *State CEQA Guidelines* (California Code of Regulations, Title 14, Division 6, Chapter 3), the purpose of an EIR is to:

Inform public agency decision-makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

This EIR fulfills the requirements for a Program EIR. Although the legally required contents of a Program EIR are the same as those of a Project EIR, Program EIRs are typically more conceptual and may contain a more general discussion of impacts, alternatives, and mitigation measures than a Project EIR. As provided in Section 15168 of the *CEQA Guidelines*, a Program EIR may be prepared on a series of actions that may be characterized as one large project. Use of a Program EIR provides the County (as Lead Agency) with the opportunity to consider broad policy alternatives and program-wide mitigation measures and provides the County with greater flexibility to address environmental issues and/or cumulative impacts on a comprehensive basis. Agencies generally prepare Program EIRs for programs or a series of related actions that are linked geographically, are logical parts of a chain of contemplated events, rules, regulations, or plans that govern the conduct of a continuing program, or are individual activities carried out under the same authority and having generally similar environmental effects that can be mitigated in similar ways. By its nature, a Program EIR considers the "macro" effects associated with implementing a program (such as a General Plan) and does not, and is not intended to, examine the specific



environmental effects associated with individual projects that may be implemented pursuant to the General Plan.

Once a Program EIR has been prepared, subsequent activities within the program must be evaluated to determine what, if any, additional CEQA documentation needs to be prepared. If the Program EIR addresses the program's effects as specifically and comprehensively as possible, many subsequent activities could be found to be within the Program EIR scope and additional environmental documents may not be required (*CEQA Guidelines* Section 15168(c)). When a Program EIR is relied on for a subsequent activity, the Lead Agency must incorporate feasible mitigation measures and alternatives developed in the Program EIR into the subsequent activities (*CEQA Guidelines* Section 15168(c)(3)). If a subsequent activity would have effects not within the scope of the Program EIR, the Lead Agency must prepare a new Initial Study leading to a Negative Declaration, Mitigated Negative Declaration, or a project level EIR. In this case, the Program EIR still serves a valuable purpose as the first-tier environmental analysis. The *CEQA Guidelines* (Section 15168(h)) encourage the use of Program EIRs, citing five advantages:

1. *Provision of a more exhaustive consideration of impacts and alternatives than would be practical in an individual EIR*
2. *Focus on cumulative impacts that might be slighted in a case-by-case analysis*
3. *Avoidance of continual reconsideration of recurring policy issues*
4. *Consideration of broad policy alternatives and programmatic mitigation measures at an early stage when the agency has greater flexibility to deal with them*
5. *Reduction of paperwork by encouraging the reuse of data (through tiering)*

It should be noted that as a program level environmental document, the General Plan EIR uses appropriately programmatic thresholds as compared to the project-level thresholds that might be used for an EIR on a specific development project. It should not be assumed that impacts determined not to be significant at a program level would not be significant at a project level. In other words, determination that implementation of the General Plan Update as a "program" would not have a significant environmental effect does not necessarily mean that an individual project would not have significant effects based on project-level CEQA thresholds, even if the project is consistent with the General Plan. Conversely, it may be possible for certain impacts identified as significant at the program level to be less than significant for certain individual projects, depending on the nature of the project.

1.4 SCOPE AND CONTENT OF THE EIR

In accordance with the *CEQA Guidelines*, a Notice of Preparation (NOP) of a Draft EIR was circulated to the public on August 12, 2015. The NOP, included in Appendix A, indicated that the following issues would be further evaluated in the Draft EIR. These include:

- *Aesthetics*
- *Agricultural and Forestry Resources*
- *Air Quality*
- *Biological Resources*
- *Cultural Resources*
- *Geology/Soils*
- *Hazards & Hazardous Materials*
- *Land Use/Planning*
- *Noise*
- *Population/Housing*
- *Public Services*
- *Recreation*
- *Transportation and Circulation*
- *Utilities/Service Systems*



- *Hydrology/Water Quality*

The County received 12 written responses to the NOP. The responses, included in Appendix A, are addressed as appropriate in the analysis contained in the various subsections of Section 4.0, *Environmental Impact Analysis*. The County also held two EIR scoping meetings in February 2015, one in Sonora with the Board of Supervisors and another in Groveland. Input from those meetings is also reflected in the EIR analysis.

1.5 LEAD, RESPONSIBLE, AND TRUSTEE AGENCIES

The County of Tuolumne is the Lead Agency under CEQA for this EIR because it has discretionary authority to determine whether or how to approve the General Plan Update that includes each of the General Plan Elements, as well as the five Community Plans.

“Responsible Agencies,” are other agencies that are responsible for carrying out or implementing a specific component of the General Plan or for approving a project (such as an annexation) that implements the goals and policies of the General Plan. Section 15381 of the *State CEQA Guidelines* defines a “responsible agency” as:

A public agency which proposes to carry out or approve a project, for which a Lead Agency is preparing or has prepared an EIR or Negative Declaration. For purposes of CEQA, responsible agencies include all public agencies other than the lead agency that have discretionary approval authority over the project.

The following two agencies may be responsible agencies, particularly for upgrades to State Highways and for potential annexations to cities and special districts within the County.

- *The California Department of Transportation (Caltrans) has responsibility for approving future improvements to the state highway system, including State Highways 49, 132 and 120, and State Route 108.*
- *The Local Agency Formation Commission (LAFCo) of Tuolumne County has responsibility for approving any annexations to the County that might occur over the life of the General Plan.*

Trustee agencies have jurisdiction over certain resources held in trust for the people of California but do not have a legal authority over approving or carrying out the project. CEQA Guidelines Section 15386 designates only four agencies as potential Trustee Agencies for projects subject to CEQA: The California Department of Fish and Wildlife (CDFW) with regards to fish and wildlife, native plants designated as rare or endangered, game refuges, and ecological reserves; the California State Lands Commission, with regard to state-owned “sovereign” lands, such as the beds of navigable waters and state school lands; the California Department of Parks and Recreation, with regard to units of the state park system; and, the University of California, with regard to sites within the Natural Land and Water Reserves System. The CDFW is a trustee agency for the General Plan Update EIR due to the potential impacts to biological resources and California State Lands Commission if development were to occur on school lands or any beds of navigable waters such as the Tuolumne River or Stanislaus River.



1.6 INTENDED USES OF THE EIR

This EIR is as an informational document for use in the County's review and consideration of the General Plan Update. It is to be used to facilitate creation of a General Plan that incorporates environmental considerations and planning principles into a cohesive policy document. The General Plan will guide subsequent actions taken by the County in its review of new development projects and its establishment of new and/or revised countywide programs.

This EIR discloses the possible environmental consequences associated with the General Plan Update that includes all fifteen proposed Elements, as well as the five Community Plans. The information and analysis in this EIR will be used by the Tuolumne County Planning Commission and Board of Supervisors, responsible and trustee agencies, and the general public.

The purpose of this EIR is to:

- *Provide information about the General Plan Update for consideration by the County Planning Commission and Board of Supervisors in its selection of an alternative or a combination of various elements from each alternative for approval;*
- *Review and evaluate the potentially significant environmental impacts that could occur as a result of the growth and development envisioned in the General Plan Update and different growth scenarios;*
- *Identify feasible mitigation measures that may be incorporated into the project in order to reduce or eliminate potentially significant effects;*
- *Disclose any potential growth-inducing and/or cumulative impacts associated with the General Plan; and*
- *Examine a reasonable range of alternative growth scenarios that could feasibly attain the basic "project" objectives, while eliminating and/or reducing some or all of the potentially significant adverse environmental effects.*

1.7 EIR PROCESS

The environmental review process, as required under CEQA, is summarized below.

1. **Notice of Preparation (NOP).** After deciding that an EIR is required, the lead agency must file an NOP soliciting input on the EIR scope to the State Clearinghouse, other concerned agencies, and parties previously requesting notice in writing (CEQA Guidelines Section 15082; Public Resources Code Section 21092.2). The NOP must be posted in the County Clerk's office for 30 days.
2. **Draft EIR.** The Draft EIR must contain: a) table of contents or index; b) summary; c) project description; d) environmental setting; e) discussion of significant impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts); f) a discussion of alternatives; g) mitigation measures; and h) discussion of irreversible changes.
3. **Notice of Completion.** Upon completion of a Draft EIR, the lead agency must file a Notice of Completion with the State Clearinghouse and prepare a Public Notice of



Availability of a Draft EIR. The lead agency must place the Notice in the County Clerk's office for 30 days (Public Resources Code Section 21092) and send a copy of the Notice to anyone requesting it (*CEQA Guidelines* Section 15087). In addition, public notice of the availability of the Draft EIR must be given through at least one of the following procedures: a) publication in a newspaper of general circulation; b) posting on and off of the project site; or c) direct mailing to owners and occupants of contiguous properties and others who have requested such notification. The lead agency must solicit comments from the public and respond in writing to all written comments received (Public Resources Code Sections 21104 and 21253). The minimum public review period for a Draft EIR is 30 days. When a Draft EIR is sent to the State Clearinghouse for review, the public review period must be 45 days (Public Resources Code Section 21091).

4. **Final EIR.** Following the close of the Draft EIR review period, a Final EIR is prepared. The Final EIR must include: a) the Draft EIR; b) copies of comments received during public review; c) a list of persons and entities commenting; and d) responses to comments.
5. **Final EIR Certification.** Prior to making a decision on a proposed project, the lead agency must certify that: a) the Final EIR has been completed in compliance with CEQA; b) the Final EIR was presented to the decision-making body of the lead agency; and c) the decision-making body reviewed and considered the information in the Final EIR prior to approving the project (*CEQA Guidelines* Section 15090).
6. **Lead Agency Project Decision.** Upon certification of an EIR, the lead agency makes a decision on the project analyzed in the EIR. A lead agency may: a) disapprove a project because of its significant environmental effects; b) require changes to a project to reduce or avoid significant environmental effects; or c) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted (*CEQA Guidelines* Sections 15042 and 15043).
7. **Findings/Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead or responsible agency 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 an agency 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 agency's decision and explains why the project's benefits outweigh the significant environmental effects.
8. **Mitigation Monitoring/Reporting Program.** When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.

