



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

**TUOLUMNE COUNTY PLANNING COMMISSION
BOARD OF SUPERVISORS CHAMBERS, 4TH FLOOR
COUNTY ADMINISTRATION CENTER
2 SOUTH GREEN STREET
October 19, 2022
6:00 p.m.***

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

PUBLIC PARTICIPATION PROCEDURES

- In order to protect public health and the safety of Tuolumne County citizens, the Tuolumne County Planning Commission Meeting will meet In Person with the option to attend Via Zoom. Public Comment will be opened and closed individually for each agenda item listed below, excluding Reports. If you need swift special assistance during the Planning Commission meeting, please call the following number: **209-770-5423**

How to participate and speak to the Tuolumne County Planning Commission at the meeting.

- Attend the meeting in the Board of Supervisors chambers on the fourth floor of 2 S. Green St. In Sonora and comment during the “Public Comment” period.
- Attend the meeting virtually on Zoom using the following link and comment using the “raised hand” feature during the “Public Comment” period.
 - Use the link to join the webinar: <https://us02web.zoom.us/j/83978428596>
- Attend the meeting by telephone using the following link and comment using *9 (star 9) to “raised hand” feature during the “Public Comment” period.
 - <https://www.tuolumnecounty.ca.gov/AgendaCenter/Tuolumne-County-Planning-Commission-8>.

You also may submit written comments by U.S. mail at 2 South Green Street, Sonora, CA 95370 or email (CDD@tuolumnecounty.ca.gov) for retention as part of the administrative record. Comments will not be read during the meeting.

PLANNING COMMISSION BUSINESS: 6:00 p.m.

1. Adopting Resolution PC2022-009 authorizing remote teleconference meetings of TCPC for the period of October 19, 2022, to November 18, 2022

*** The doors to the Administration Building will be opened at 5:30 p.m.**

2. Reports from Commissioners and Staff

**** Reports are a brief oral report from a Committee or Commission member and/or County staff, and no Committee or Commission action will occur. This item is not intended to include in depth presentations or reports, as those matters should be placed on an agenda for discussion****

3. Report from the Board of Supervisors Planning Committee Representative

4. Report from the Agricultural Advisory Committee Representative

5. Minutes of the Meeting of October 5, 2022

PUBLIC COMMENT: 15 minutes

The public may speak on any item not on the printed agenda. No action may be taken by the Commission.

PUBLIC HEARING: 6:00 p.m.

NEW ITEMS:

- 1. BUDESILICH,** Ordinance for Zone Change RZ22-005 to rezone a 2.34± acre parcel from RE-3:AIR & O:AIR (residential Estate, three Acre Minimum: Airport Combining, and Open Space: Airport Combining) to RE-3:AIR (Residential Estate, Three Acre Minimum: Airport Combining). The project proposes to remove the Open Space Zoning of 0.85 acres from the property under Title 17 of the Tuolumne County Ordinance Code.

The site is located at 9655 Poppy Hill Drive, in the community of Sonora. Within a portion of Section 28, Township 2 North, Range 14 East, Mount Diablo Baseline and Meridian. Located Supervisorial District 5. Assessor's Parcel Number 039-430-022. Located within Airport Compatibility Zone C of the Columbia Airport.

2. MARCUS,

1. Zone Change RZ21-015 to rezone a 0.35± acre parcel from R-3:MX (Multiple-Family Residential: Mobilehome Exclusion Combining) to R-3:MX:PD (Multiple-Family Residential: Mobilehome Exclusion: Planned Unit Development Combining) district under Title 17 of the Tuolumne County Ordinance Code.
2. Planned Unit Development Permit PUD22-001 to allow the following:
 - a. Reduction in the minimum lot size
 - b. Reduction in the required building setbacks
 - c. Increase in the maximum floor area ratio

The project site is located at 20552 Chief Fuller Way 95± feet northeast of the intersection of Pela Road and Chief Fuller Way in the community of Mi-Wuk. Within a portion of Section 35, Township 3 North, Range 15 East, Mount Diablo Baseline and Meridian Within Supervisorial District 3. Assessor's Parcel Number (APN) 046-101-023.

The Minutes, Staff Reports, and environmental documents for the items referenced in this Agenda are available for review at the Tuolumne County Community Development Department Monday

through Thursday, 8:00 a.m. 3:00 p.m., Fourth Floor, A.N. Francisco Building, 48 Yaney, Sonora, California, and online at www.tuolumnecounty.ca.gov.

Any other materials related to the items referenced in this Agenda that are provided by the County to the Planning Commissioners prior to the meeting are available for review at the Tuolumne County Community Development Department 48 Yaney, Sonora, California, and will be available at the meeting. Any materials provided to the Planning Commissioners during the meeting by the County will be available for review at the meeting, and materials provided by the public will be available for review at the Community Development Department the day following the meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Community Development Department at (209) 533-5633. Notification 48 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting (28CFR Part 35 ADA Title II).

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COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

TO: Tuolumne County Committee and Commission Members

FROM: Quincy Yaley, AICP Community Development Department Director

RE: COVID-19 Meeting Procedures

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – EHD)
www.tuolumnecounty.ca.gov

In response to increasing risks of exposure to the coronavirus (COVID-19), all the Committee and Commission meetings will be conducted and participated via Zoom. Video conferencing via Zoom will allow the Commission/Committees and County to adhere to social distancing requirements of the Brown Act and provide a way for the public to provide public comment live during the meeting.

Due to the modified meeting format and tele-conferencing meeting procedures, the Chair may choose to allow public comment on the project in an alternative fashion, rather than calling for those in favor, those in opposition, those neutral, and then any rebuttals or surrebuttals. The Chair may take public comment on the project in any order in lieu of the calling for those in favor, opposition, neutral, rebuttals, and then surrebuttals.

The Committee and Commission may elect to allow the applicant or applicant representative a specific time to speak on the project prior to taking public comments on the item. This opportunity could have a specific time length allotted, such as five or ten minutes.

As a reminder, those who wish to provide information during the public comment are not required to provide their name. County staff will notify the Chair of any individuals who wish to provide testimony and will limit the testimony to the time limit identified by the Chair.

If an item on the agenda is not identified as a “public hearing”, public comment is still required and can be conducted in a similar format to the modified procedures above.

All votes require a roll call with each Committee and Commission member to be named by County Staff prior to stating their vote. The Chair shall also identify by name the commissioner who initiated the motion and the name of the commissioner who seconds the motion. After a second is named, the Chair must allow County staff to complete a roll call vote.

It is possible that a delay may occur from the time the Chair calls for public comment on a project and when County staff can connect them into the zoom meeting. It is recommended that the Chair pause for 60-90 seconds after calling for public comment to allow for any connections to occur. If there are no individuals in the queue for commenting on a specific item, after 90 seconds has elapsed County staff will notify the Chair that there is no further public comment.

Staff may need to respond to emails or phone calls from members of the public during the meeting to provide assistance to the public if they encounter problems using the Zoom platform. Staff requests that the Chair allow additional time as needed to ensure that members of the public can engage in the meeting.

Zoom Instructions

Zoom links can be found in the agenda for each meeting. The public can view the meeting from their smartphone, on their computer browser, or listen on their telephone. Zoom does not require an account to attend the meeting, but if the public wishes to create one, their basic accounts are free.

It is possible that a delay may occur from the time the Chair calls for public comment on a project and when County staff can connect them into the Zoom meeting. The Chair will pause for 60 seconds after calling for public comment to allow for any connections to occur. If there are no individuals in the queue for commenting on a specific item, after 60 seconds has elapsed county staff will notify the Chair that there is no public comment.

Members of the public can also choose to watch the meeting and do not have to comment during the meeting. If a member of the public does not want to provide public comment live, they can provide public comment prior to the meeting via email to the Community Development Department Planning manager at DRuby@co.tuolumne.ca.us. If you would like your comments to be included in the record, please send comments to the above email address by 9:00 a.m. of the day of the noticed meeting.

If anyone is having technical difficulties with Zoom, they can visit Zoom's support page for helpful tips: <https://support.zoom.us/hc/en-us/categories/201146643>.

Below are step by step instructions on how to join and interact as an attendee via Zoom.

JOINING A WEBINAR BY LINK

- To join the webinar, click the link that we provided in the agenda.
- If you are signed in, change your name if you do not want your default name to appear.
- If you are not signed in, enter a display name.

MANUALLY JOINING A WEBINAR

- Use the 9-digit meeting ID/webinar ID provided in the agenda.
- Sign in to the Zoom Desktop or Mobile App
- Click or tap **Join a Meeting**
- Enter the 9-digit webinar ID, and click **Join** or tap **Join Meeting**
- If prompted, enter your name and email, then click **Join Webinar** or tap **Join**.
- You may change your name if you do not want your default name to appear, as you are not required to state your name.

WAITING FOR HOST TO START THE WEBINAR

- If the host has not started broadcasting the webinar, you'll receive a message letting you know to "Please wait for the host to start the meeting".

PUBLIC COMMENT

- During the public comment period you will have the option to "raise your hand" if you would like to comment on a proposed project or during the public comment portion of the meeting.
- Once you have clicked the "raise your hand" option, please wait until a staff unmutes your microphone.
- Once staff has unmuted you will have three minutes to speak.

- A staff member will verbally communicate to you and the Commissioners when you have 30 seconds remaining and then when your time is up.
- Once your allotted time is up, a staff member will mute and “lower your hand”.
- If you are participating from your smartphone, you will also have a “raise their hand” feature.
- When you are unmuted a prompt will appear to confirm you would like to be unmuted.
- Once you confirm you will be able to provide public comment.
- If you are participating via telephone call, you will need to press *9 (star 9) to “raise their hand”, and when you are unmuted you will hear “you are unmuted” allowing you to provide public comment.

END OF MEETING

- If you would like to leave the meeting before it ends, click **Leave meeting**. If you leave, you can rejoin if the webinar is still in progress, as long as the host has not locked the webinar.

Hi there,

You are invited to a Zoom webinar.

When: Oct 19, 2022 06:00 PM Pacific Time (US and Canada)

Topic: Tuolumne County Planning Commission 10-19-2022

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83978428596>

Or One tap mobile :

US: +16694449171,,83978428596# or +16699006833,,83978428596#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 669 444 9171 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 719 359 4580 or +1 309 205 3325 or +1 312 626 6799 or +1 386 347 5053 or +1 564 217 2000 or +1 646 931 3860 or +1 929 205 6099 or +1 301 715 8592

Webinar ID: 839 7842 8596

International numbers available: <https://us02web.zoom.us/j/ku4YCt2Vr>

1 **Tuolumne County Planning Commission (TCPC)**

2 **County of Tuolumne**

3
4 **FINDINGS OF THE TUOLUMNE COUNTY PLANNING COMMISSION (TCPC)**
5 **AUTHORIZING REMOTE TELECONFERENCE MEETINGS**
6 **OF THE TUOLUMNE COUNTY PLANNING COMMISSION (TCPC)**
7 **FOR THE PERIOD OCTOBER 19, 2022 TO NOVEMBER 18, 2022**
8 **PURSUANT TO THE RALPH M. BROWN ACT.**
9

10 **WHEREAS**, all meetings of Tuolumne County Planning Commission (TCPC) and its legislative
11 bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code §§ 54950 – 54963),
12 so that any member of the public may attend, participate, and view the legislative bodies conduct their
13 business; and

14 **WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote
15 teleconferencing participation in meetings by members of a legislative body, without compliance with the
16 requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions and
17 requirements; and

18 **WHEREAS**, a required condition of Government Code section 54953(e) is that a state of emergency
19 is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of
20 conditions of disaster or of extreme peril to the safety of persons and property within the state caused by
21 conditions as described in Government Code section 8558(b); and

22 **WHEREAS**, a further required condition of Government Code section 54953(e) is that state or local
23 officials have imposed or recommended measures to promote social distancing, or, the legislative body
24 holds a meeting to determine or has determined by a majority vote that meeting in person would present
25 imminent risks to the health and safety of attendees; and

26 **WHEREAS**, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency
27 declaring a state of emergency exists in California due to the threat of COVID-19, pursuant to the California
28 Emergency Services Act (Government Code section 8625); and,

1 **WHEREAS**, on June 11, 2021, Governor Newsom issued Executive Order N-07-21, which
2 formally rescinded the Stay-at-Home Order (Executive Order N-33-20), as well as the framework for a
3 gradual, risk-based reopening of the economy (Executive Order N-60-20, issued on May 4, 2020) but did
4 not rescind the proclaimed state of emergency; and,

5 **WHEREAS**, on June 11, 2021, Governor Newsom also issued Executive Order N-08-21, which set
6 expiration dates for certain paragraphs of the State of Emergency Proclamation dated March 4, 2020 and
7 other Executive Orders but did not rescind the proclaimed state of emergency; and,

8 **WHEREAS**, as of the date of this Findings, neither the Governor nor the state Legislature have
9 exercised their respective powers pursuant to Government Code section 8629 to lift the state of emergency
10 either by proclamation or by concurrent Findings the state Legislature; and,

11 **WHEREAS**, the California Department of Industrial Relations has issued regulations related to
12 COVID-19 Prevention for employees and places of employment. Title 8 of the California Code of
13 Regulations, Section 3205(5)(D) specifically recommends physical (social) distancing as one of the
14 measures to decrease the spread of COVID-19 based on the fact that particles containing the virus can travel
15 more than six feet, especially indoors; and,

16 **WHEREAS**, the Tuolumne County Planning Commission (TCPC) finds that state or local officials
17 have imposed or recommended measures to promote social distancing, based on the California Department
18 of Industrial Relations' issuance of regulations related to COVID-19 Prevention through Title 8 of the
19 California Code of Regulations, Section 3205(5)(D); and,

20 **WHEREAS**, as a consequence, the Tuolumne County Planning Commission (TCPC) does hereby
21 find that it shall conduct its meetings by teleconferencing without compliance with Government Code
22 section 54953 (b)(3), pursuant to Section 54953(e), and that such legislative bodies shall comply with the
23 requirements to provide the public with access to the meetings as prescribed by Government Code section
24 54953(e)(2).

25 ///

26 ///

27 ///

28 ///

1 **NOW, THEREFORE, BE IT RESOLVED, FOUND AND ORDERED** by the Tuolumne County
2 Planning Commission (TCPC) , County of Tuolumne, State of California, in regular session assembled on
3 October 19, 2022 does hereby resolve as follows:

4 Section 1. Recitals. All of the above recitals are true and correct and are incorporated into this
5 Findings by this reference.

6 Section 2. State or Local Officials Have Imposed or Recommended Measures to Promote Social
7 Distancing. The Tuolumne County Planning Commission (TCPC) hereby proclaims that state officials
8 have imposed or recommended measures to promote social (physical) distancing based on the California
9 Department of Industrial Relations’ issuance of regulations related to COVID-19 Prevention through Title
10 8 of the California Code of Regulations, Section 3205(5)(D).

11 Section 3. Remote Teleconference Meetings. The Tuolumne County Planning Commission
12 (TCPC) is hereby authorized and directed to take all actions necessary to carry out the intent and purpose
13 of these Findings including, conducting open and public meetings in accordance with Government Code
14 section 54953(e) and other applicable provisions of the Brown Act.

15 Section 4. Effective Date. These Findings shall take effect immediately upon its adoption and
16 shall be effective until the earlier of (i) November 18th, or (ii) such time the Tuolumne County Planning
17 Commission (TCPC) adopts a subsequent Findings in accordance with Government Code section
18 54953(e)(3) to extend the time during which its legislative bodies may continue to teleconference without
19 compliance with Section 54953(b)(3).

20 ADOPTED this 19th day of October, 2022 by Tuolumne County Planning Commission (TCPC), by
21 the following vote:

22
23 YES:

24 NO:

25 ABSENT:

26 ABSTAIN:

DATE: August 22, 2022

SURFACE/MINERAL

RIGHTS OWNER: Edward Budesilich

APPLICANT: Edward Budesilich

PROJECT AND LOCATION

PROJECT

DESCRIPTION: Ordinance for Zone Change RZ22-005 to rezone a 2.34± acre parcel from RE-3:AIR & O:AIR (Residential Estate, Three Acre Minimum: Airport Combining, and Open Space: Airport Combining) to RE-3:AIR (Residential Estate, Three Acre Minimum: Airport Combining). The project proposes to remove the Open Space Zoning of 0.85 acres from the property under Title 17 of the Tuolumne County Ordinance Code.

LOCATION: The project site is located at 9655 Poppy Hill Drive, in the community of Sonora. Within a portion of Section 28, Township 2 North, Range 14 East, Mount Diablo Baseline and Meridian. Located Supervisorial District 5. Assessor's Parcel Number 039-430-022. Located within Airport Compatibility Zone C of the Columbia Airport.

GENERAL PLAN: The project site is designated Homestead Residential (HR) by the Tuolumne County General Plan land use diagrams. Table 1.3 of the General Plan indicates that the RE-3 designation is consistent with the HR land use designation.

ENVIRONMENTAL EVALUATION

After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines*. because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. On None of the exceptions to the use of a categorical exemption found in Section 15300.2 of the *State CEQA Guidelines* apply to this project. The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The project consists of rezoning an 0.85± acre portion of the parcel zoned as Open Space to RE-3:AIR under Title 17 of the Tuolumne County Ordinance Code (TCOC). The project will not result in an increase in the number of parcels or an increase in the residential density potential of the project site. A cultural resource survey was conducted for the Poppy Hills Subdivision map. The survey identified one site that has been protected with O-1 (Open Space – 1) zoning to prevent any impacts. The project site for RZ22-005 was not found to contain significant cultural resources. The Initial Study prepared for the Poppy Hills Subdivision indicated the implementation measure of the General Plan policy was used to determine Open Space requirements and was not for mitigation measures. Therefore, there is no possibility that the project would have a significant effect on the environment.

RECOMMENDATION

1. Community Development Department Staff recommends approval of Zone Change RZ22-005 based upon the following findings:
 - A. The proposed Zone Change is consistent with the Tuolumne County General Plan.
 - B. The proposed Zone Change is in accordance with the Tuolumne County Ordinance Code.
 - C. The project site is suited to the uses permitted under the proposed zoning district.
 - D. The project is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines*.

GENERAL INFORMATION

Project Site

1. The project site is located at an average elevation of 1,660± feet above mean sea level. Natural vegetation on the site consists of annual grassland, which is a fourth priority wildlife habitat of relatively low value, along with a valley oak and gray pines. The parcel is currently developed, with one residence. Water is provided by a private well. Pacific Gas and Electric Company (PG&E) provides electricity to the site.

Project Description

2. A Building Permit (B2022-00925) application was received to construct a 20'x60' metal storage building, which was determined to be in Open Space zoning on the parcel. Through review of the site plan and parcel history, evidence was found that the Open Space area of the parcel was used for the grazing of horses, and was disturbed by the development of a corral and fencing by the previous owner, leaving the area void of vegetation. Due to site constraints including setbacks, underground utilities, location of mature oak trees, and the location of the septic system and well, the property owner would not be able to feasibly build the storage building elsewhere on the site. Additionally, in its proposed location, the structure would be located adjacent to the existing driveway so further disturbance to the site would be minimized.
3. A site visit by staff was conducted on July 15, 2022 to inspect the Open Space area. No significant vegetation was observed in the area proposed for the storage building, and the area does not appear to provide habitat value for wildlife. No sensitive habitat was identified within this area and no evidence of the presence of wildlife was observed. Near the south-easterly area of the Open Space zoning, there is a large oak tree that has been treated for trunk rot by tree professionals contracted by the applicant after large branches fell to the ground. The applicant would like to save the tree, if possible. Staff recommended rezoning the Open Space to RE-3:AIR.
4. On July 18, 2022, an application was submitted to the Community Development Department to rezone a 0.85 acre portion of the parcel to remove the Open Space zoning. The storage building would be placed within an already disturbed area of the site and would not require the removal of oak trees. The storage building would be placed adjacent to the existing driveway, so minimal disturbance would be required as the applicant would use the building to store boats and trailers.

Site History

5. The Open Space zoning on this parcel and on adjacent parcels within the subdivision was established with the approval of the Poppy Hills Subdivision map by Tuolumne County Board of Supervisors on June 8, 1993, and the adoption of Ordinance 2005 identifying and establishing the Open Space. The Open Space was not part of the mitigation for the subdivision as there were no direct impacts to wildlife identified. Historically, Community Development Department would arbitrarily require 20% of a subdivision to be zoned to Open Space, even when there are no impacts to sensitive or high priority habitats.

General Plan

6. The General Plan land use designation of the project site is Homestead Residential. The HR land use designation provides country-estate type living conditions while maintaining areas of open space dedicated to agricultural pursuits, grazing or left undisturbed. The existing use of the site and proposed storage building is consistent with the purpose of the HR General Plan designation. Table 1.3 in the Technical Background Report for the 2018 General Plan indicates that the that the proposed RE-3 zoning district is consistent with the HR land use designation. Therefore, the proposed project may be found to be consistent with the Tuolumne County General Plan.

Ordinance Code

7. The purpose of the RE-3 district is to provide areas where persons may enjoy country estate type living while engaged in limited agricultural pursuits or maintaining livestock. Within any 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. Due to the area of the parcel not changing, this will not be an issue. The site is currently developed with a single-family dwelling and associated infrastructure, which are permitted uses in the RE-3 zoning district. The storage building is an accessory structure and is permitted within the RE-3 zoning district under Section 17.27.020(R).
8. The purposes of the Airport Combining District (:AIR) is to protect public health, safety and welfare in areas around public airports; to implement policies of the Tuolumne County airport land use compatibility plan; to inform property owners within areas around airports of the proximity of the airport and that land development must comply with the Tuolumne County airport land use compatibility plan in addition to development regulations contained in the Tuolumne County General Plan and ordinance code.
9. The intent of the Open Space (O) district is to protect the public in areas not suitable for development because of flooding or other natural hazards and to provide areas of open space for the protection of wildlife habitat and scenic quality where vegetation removal may be appropriate in certain instances or for the preservation of cultural resources.

Wildlife and Habitat

10. The Tuolumne County Wildlife Habitat Maps indicate that the project site contains the Urban (URB) habitat. Staff completed a site visit and found that the vegetation on area proposed for the rezone predominately consists of annual grassland.

BUDESILICH

11. The California Natural Diversity Database (CNDDDB) was consulted for known locations of special status plant species and animal species. The CNDDDB indicates that there are no known special status plant species known to occur within the vicinity of the project site.
12. A site visit conducted by staff observed that the area proposed for the rezone had been heavily disturbed under previous ownership and therefore any value to wildlife is low or nonexistent. The applicant will not need to remove any vegetation for further development (See Attachment 4).

Cultural Resources

13. A Cultural resource study was conducted prior to the approval of the Poppy Hills Subdivision map. The study identified one resource not located on this project site that was zoned O-1 (Open Space -1) to protect the resource. No cultural resources were identified on the project and no cultural resource indicators were identified during staff site inspections or search of the cultural resource database. Therefore, no additional cultural study was required for this project (RZ22-005). Additionally, potential impacts to cultural resources are reviewed at the time of application for a building permit in accordance with Chapter 14.10 of the TCOC. The standard cultural resource conditions are attached to building permits to establish protocol in the event that a resource is inadvertently discovered during construction. Therefore, there would be no impacts to cultural resources.

Airport Land Use Commission (ALUC)

14. On September 22, 2022, the project was considered by the Airport Land Use Commission (ALUC). The commission determined and voted unanimously that the project to rezone the Open Space to RE-3 would be compatible with the ALUC plan.

Adjoiner Review

15. One response was received from an adjoining property owner which indicated concern with the rezoning of Open Space. As indicated within the report, there is evidence to support the rezoning of Open Space.

Zone Change Findings

16. Chapter 17.70 of the TCOC requires that evidence be shown that the proposed project meets the necessary findings for a zone change. Below are the required findings, and staff's responses to each requirement:

A. The proposed Zone Change is consistent with the Tuolumne County General Plan.

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

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

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

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

BUDESILICH

The removal of Open Space has been determined to be appropriate for the site conditions. Please see #1, #2, and #3 in this report for additional information and evidence.

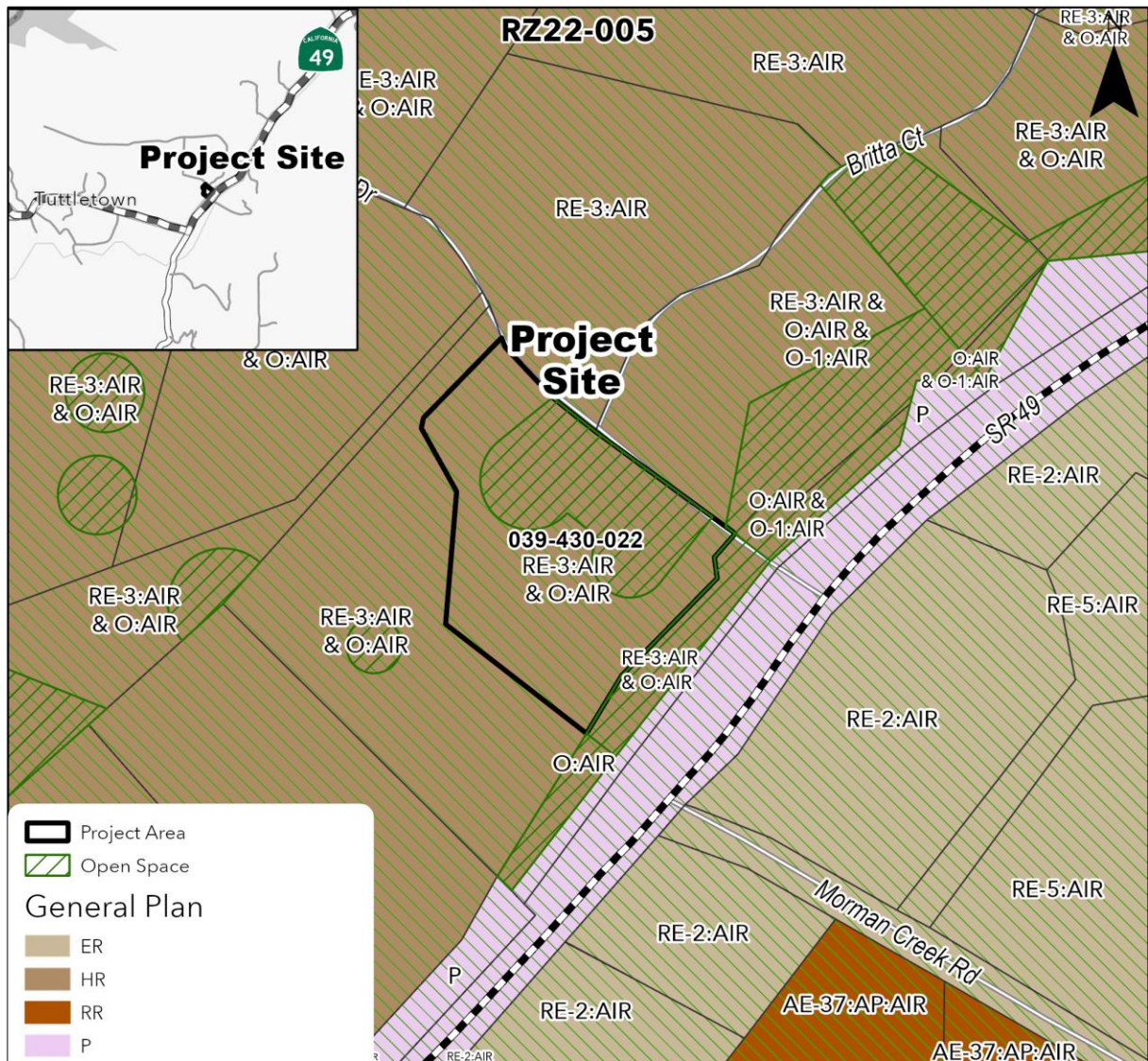
D. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

See the Environmental Evaluation section above.

PREPARED BY: Terrilyn Turner, Land Use Coordinator

S:\Planning\PROJECTS\Rezone\2022\RZ22-005 Budesilich\Application Review\RZ22-005 Agenda Report- Budesilich 20220822.doc

Attachment 1: Agenda Map



Project: RZ22-005

Owner: Edward Budesilich

Applicant: Edward Budesilich

APN: 039-430-022

Acres: 2.34 ± acres

Current Zoning: RE-3:AIR & O:AIR

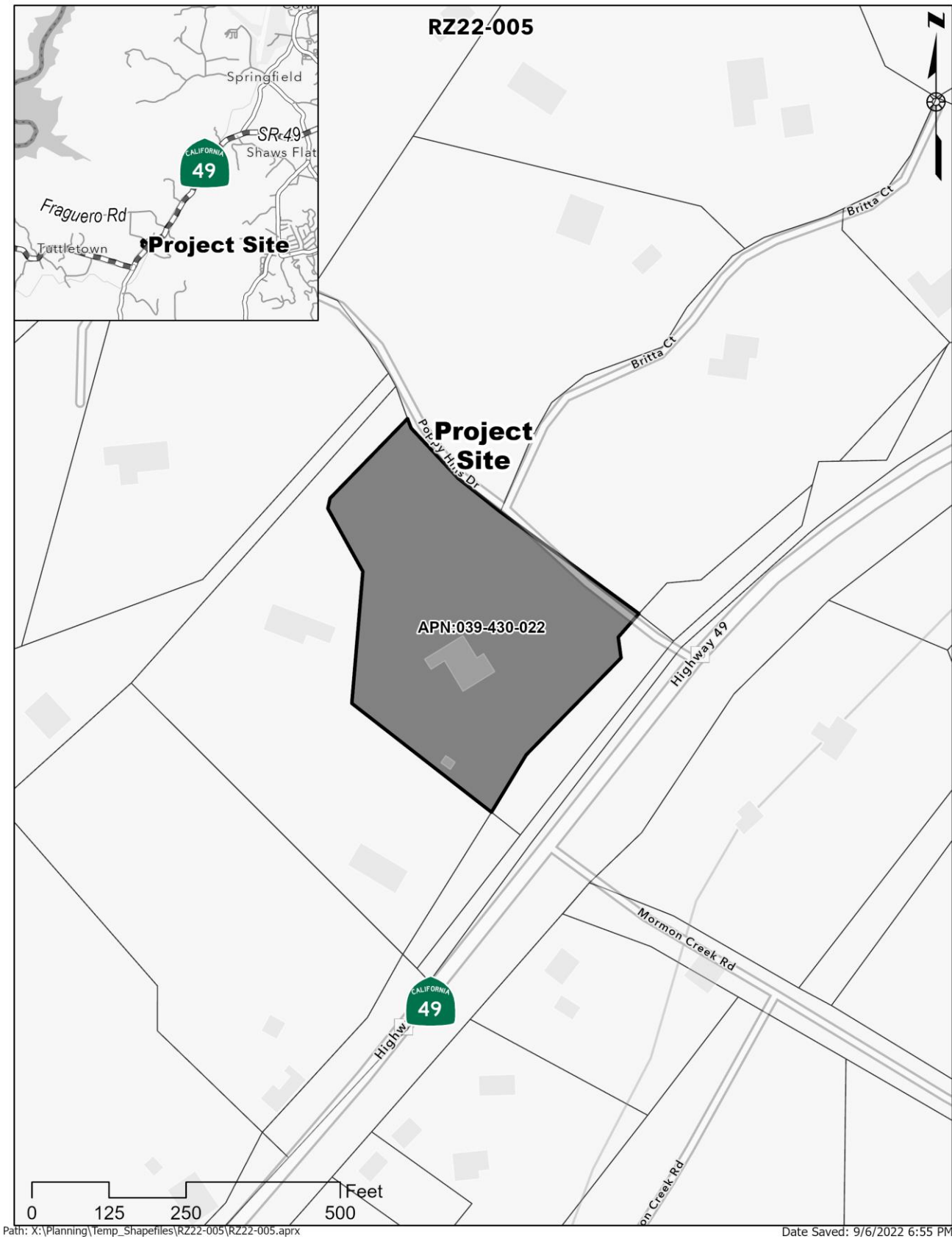
Current General Plan Designation: HR

Project Description: Ordinance for Zone Change RZ22-005 to rezone a 2.34± acre parcel from RE-3:AIR & O:AIR (Residential Estate, Three Acre Minimum: Airport Combining, and Open Space: Airport Combining) to RE-3:AIR (Residential Estate, Three Acre Minimum: Airport Combining) The project proposes to remove the Open Space Zoning from the property under Title 17 of the Tuolumne County Ordinance Code.

Path: X:\Planning\Temp_Shapefiles\RZ22-005\RZ22-005.aprx

Date Saved: 9/6/2022 7:40 PM

Attachment 2: Vicinity Map



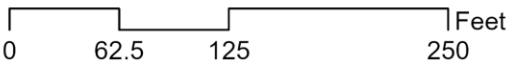
Attachment 3: Exhibit Map

Exhibit A
Page 1 of 2



Points of Beginning
1 - RE3:AIR; Proposed Rezone to RE-3:AIR

See page 2 for full descriptions



RZ22-005 Budesilich Project Site

- Project Site
- Point of Beginning
- Proposed Zoning
 - Rezoned to RE-3:AIR
 - Remains RE-3:AIR
- Open Space



Exhibit A
Page 2 of 2

RE-3:AIR Description 1
Starting from Point of Beginning 1 as delineated

Direction	Distance	Central Angle	Radius	Curve
S 51° 01' 10" W	85.17			
	206.19	168° 4' 10"	70	Left
S 62° 00' 00" E	61.57			
Tangent S 28° 00' 00" W	118.33	169° 30' 00"	40	Left
N 38° 30' 38" E	108			
N 31° 30' 00" W	253.82			

Attachment 4: Disturbed Area of Open Space



July 25, 2022

To the Airport Land Use Commissioners;

Re: August 4, 2022 Airport Land Use Commission Meeting: Public Hearing: Item 1 Budesilich Zone Change on Poppy Hills Rd.

My name is Sharon South, I am a property owner on Flume Drive, and have lived there for many years.

I think people have a right to do what they want on their property as long as it doesn't harm others and the process is followed. This project involves an Open Space designation on the Budesilich property. Many of us have Open Space zoning on our properties and it was put there for a reason.

I read this item and looked at the maps. The property owner wants to remove the Open Space condition in order to build a storage shed. The maps do not show where the open space is or where the proposed 1,200sq. ft. storage shed will go. Staff states they didn't see anything when they inspected the site. However, the "site" is not identified as far as I can tell.

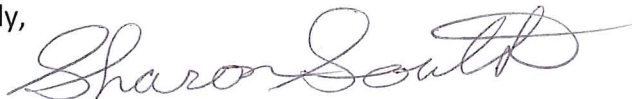
Page 1 states: "4. The location on the property that is Zoned for Open space **has no resources that need protection from the Open Space Zoning, as determined by site inspections conducted by staff.**" What does this mean – that there is really nothing to see here?

Open Space zoning is usually invoked when there is something larger to see here like a cultural resource, wildlife habitat or oak habitat mitigation, for example. As I recall, there was an extensive archaeological site located where the Poppy Hills road was being proposed. It was evaluated in consultation with the Tuolumne Band of Me-Wuk Indians.

The Board of Supervisors, In order to be transparent, needs to know the original reason or condition that led to the designation of Open Space Zoning and it needs to be made part of the public record.

Again, I believe in my neighbors doing what they want so long as the process is clear. Most of us know why the Open Space zoning was created on our property. I request that this reason and the conditions that called for Open Space zoning as resource mitigation for Poppy Hills be made part of the public record and not mislead the public that because staff didn't see anything, there is nothing on the site and therefore there was no reason to have the zoning.

Sincerely,



RECEIVED

AUG 04 2022

Community Development
Department

DATE: October 19, 2022

SURFACE/MINERAL

RIGHTS OWNER: Lynn Marcus

APPLICANT: Reuben Chirnside – Land and Structure

PROJECT AND LOCATION

PROJECT

- DESCRIPTION:**
1. Zone Change RZ21-015 to rezone a .35± acre parcel from R-3:MX (Multiple-Family Residential: Mobilehome Exclusion Combining) to R-3:MX:PD (Multiple-Family Residential: Mobilehome Exclusion: Planned Unit Development Combining) district under Title 17 of the Tuolumne County Ordinance Code.
 2. Planned Unit Development Permit PUD22-001 to allow the following:
 - a. Reduction in the minimum lot size
 - b. Reduction in the required building setbacks
 - c. Increase in the maximum floor area ratio

LOCATION: The project site is located at 20552 Chief Fuller Way, 95± feet northeast of the intersection of Pela Road and Chief Fuller Way in the community of Mi-Wuk. Within a portion of Section 35, Township 3 North, Range 16 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 3. Assessor's Parcel Number (APN) 046-101-023.

GENERAL PLAN: The project site is designated High Density Residential (HDR) by the 2018 Tuolumne County General Plan. The R-3 zoning district is compatible with the HDR General Plan land use designation.

ENVIRONMENTAL EVALUATION

On January 3, 2019, the Board of Supervisors certified an environmental impact report (EIR) for the Tuolumne County General Plan Update. The EIR for the General Plan Update was prepared as a program EIR under the provisions of Section 15168 of the *State CEQA Guidelines*. As a program EIR, the document adopted by the Board of Supervisors adequately addressed the potential environmental impacts associated with the comprehensive update of the County's constitution for growth including certain implementation activities and provided for streamlining of the environmental review process for projects proposed subsequent to the certification of the EIR. The proposed project entails rezoning the subject property consistent with the General Plan. The rezoning of parcels consistent with the General Plan was addressed in the Program EIR for the General Plan and, therefore, pursuant to Section 15152(e) of the *State CEQA Guidelines*, no additional review under the California Environmental Quality Act is required for the proposed zone change.

After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines*, because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. None of the exceptions to the use of a categorical exemption found in Section 15300.2 of the *State CEQA Guidelines* apply to this project. The project consists of rezoning a .35± acre parcel from R-3:MX to R-3:MX:PUD. A Notice of Determination will be filed for the zone change; however, the Planned Unit Development Permit will be contingent upon the Zone Change. The

PUD is for a reduction of minimum lot sizes, reduced building setbacks, and increase in floor area ratio on a parcel that is currently developed. Therefore, there is no possibility that the project would have a significant effect on the environment.

RECOMMENDATION

1. Community Development Department Staff recommends approval of Zone Change RZ21-015, based upon the following findings as stated in Chapter 17.70 of the TCOC:
 - A. The proposed Zone Change is consistent with the Tuolumne County General Plan.
 - B. The proposed Zone Change is in accordance with the Tuolumne County Ordinance Code.
 - C. The project site is suited to the uses permitted under the proposed zoning district.
 - D. The potential significant environmental impacts of the proposed project were adequately addressed in a previously prepared Environmental Impact Report; therefore, no further environmental review is required for the project under the California Environmental Quality Act (CEQA) pursuant to Section 15152(e) of the *State CEQA Guidelines*.
2. Community Development Department Staff recommends approval of Planned Unit Development (PUD) PUD22-001 based upon the following findings and subject to Conditions of Approval #1 - #12:
 - A. The proposed Planned Unit Development is consistent with the Tuolumne County General Plan.
 - B. The proposed Planned Unit Development will not overburden existing public facilities.
 - C. The size and terrain of the parcel are suitable for the proposed Planned Unit Development.
 - D. The proposed Planned Unit Development will not be substantially detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such proposed development or be substantially detrimental or injurious to property or improvements in the neighborhood.
 - E. The advantages of an efficient, integrated and well-planned development are sufficient to justify exemption from the normal application of this code.
 - F. The public benefit derived from the development proposed in the Planned Unit Development permit is sufficient to justify exemption from the normal application of the County's development regulations.

GENERAL INFORMATION

Site Description

1. The project site consists of a .35± acre parcel located at 20552 Chief Fuller Way, 95± feet northeast of the intersection of Pela Road and Chief Fuller Way, two existing County-maintained roads, in the community of Mi-Wuk within the Mi-Wuk Village Subdivision, Unit 1-6. Existing land uses surrounding the project site consist of residential structures and commercial businesses. Businesses to the north of the site are a pet grooming, self-serve car wash and laundromat; to the northeast is the Mi-Wuk Market; to the northwest is the Diamond Jim's restaurant; to the east and south are residences; and to the west is another commercially-zoned parcel.

2. The entire parcel is currently fully developed, with a 2,450± square foot single-family residence fronting Chief Fuller Way in Mi-Wuk Village and a second 1,420± a multiunit residential structure immediately behind it, accessed via a paved driveway adjacent to the single family residence and along the westerly property line. The existing drive-through self-service car wash located immediately north of the site, may historically have been used as a path of ingress/egress for the multiunit housing occupants, as its paved driveway connects to the multiunit housing parking area. The site is fairly level and contains slopes between 0-3 percent.

Site History

3. On March 15, 1988, the Board of Supervisors approved a Zone Change from C-1:MX (General Commercial: Mobilehome Exclusion Combining) district to R-3:MX under the TCOC. An Initial Study was prepared, and a Notice of Determination (NOD) was filed.
4. On December 18, 1989, the Planning Director approved Site Development Permit Number 282 to construct the multi-family residence subject to Conditions of Approval. A Notice of Exemption was filed.

Project Description

5. On December 01, 2021, an application was received for the following:
 - Zone Change RZ21-015 to rezone a .35± acre parcel from R-3:MX to R-3:MX:PD under the TCOC.
 - Tentative Parcel Map (TPM) T21-050 to split APN: 046-101-023 into two parcels as shown in attachment 2. TPM's are processed by the County Surveyor; this one will be considered at a later date.
 - Planned Unit Development Permit PUD22-001 to allow the following:
 - a. Reduction in the minimum lot size
 - b. Reduction in the required building setbacks
 - c. Increase in the maximum floor area ratio
6. The zone change is to request the (:PD) combining district as it is required to allow flexibility in the application of ordinance code requirements and to allow exceptions as listed above under a Planned Unit Development (PUD). T21-050 would allow the division of the parcel into two separate legal parcels, one for each of the dwelling units.
7. Under the PUD the applicant is requesting:
 - A reduction of the minimum parcel size for Proposed Parcel A to 8,249 square feet and Proposed Parcel B to 7,110 square feet.
 - A reduction in the required building setbacks to a minimum of zero feet for existing structures. New (future) structures would need to meet current standard setbacks pursuant to Chapter 17.56 and 17.52.
 - Increase in the maximum floor area ratio from 0.50 to 0.75.

General Plan

8. The project site contains the HDR (High Density Residential) designation. The HDR designation provides for residential neighborhoods of grouped or clustered single-family dwellings, duplexes, apartments, dwelling groups, condominiums, mobilehome parks and townhouses to economically and efficiently meet a variety of urban housing needs while insuring, through site review procedures, that such developments will have the least possible impact on the natural environment, be designed and built in accordance with the latest engineering and site layout standards and offer the most possible amenities which contribute to a high quality of life for the residents of such housing. This designation is applied within urban areas where residential development will be near transportation corridors, downtowns, defined community centers, major commercial centers, schools and community services.
9. Table 1.3 in the Technical Background Report for the 2018 General Plan indicates that the proposed R-3:MX: PD zoning is consistent with the HDR general plan land use designation in addition to all combining districts.

Ordinance Code

10. The project site is currently zoned R-3:MX under Title 17 of the TCOC. Zone Change RZ21-015 proposes to change the zoning of the project site to R-3:MX:PD. The purpose of the R-3 district is to accommodate high density urban, residential developments such as apartments, dwelling groups, condominiums, mobilehome parks, and townhouses to economically and efficiently meet a variety of urban housing needs while insuring, through site review procedures, that such developments will:

- A. Have the least possible impact on the natural environment;
- B. Be designed and built in accordance with latest accepted engineering and site layout standards; and
- C. Offer the most possible amenities which contribute to a high quality of life for their residents.

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.

11. The Mobilehome Exclusion Combining (:MX) district is intended to be combined with any principal zoning district in which the use of older mobilehomes as residences on individual parcels would conflict with the aesthetic, social or economic development of any such principal zoning district.
12. The Planned Unit Development Combining (:PD) district is created in order to achieve flexibility, to provide a more desirable living environment than would be possible through the strict application of ordinance requirements, to encourage a more creative approach in development of land, to encourage a more efficient and desirable use of land, to encourage conservation of the county's rural heritage, rural landscapes, oak woodlands and the natural environment, and to encourage various types of physical development. It is recognized that an integrated development provides an opportunity for cohesive design when flexible regulations are applied. The Planned Unit Development Combining (:PD) district is intended to allow diversification in the relationship of various uses, structures, open spaces and parcel sizes while insuring consistent application of general plan policies, programs and standards.

Table 1: Zoning Chart

Assessor Parcel Number: 046-101-023	Current Zoning	Proposed Zoning	Parcel Size (Square Feet)
Proposed Parcel A	R-3:MX	R-3:MX:PD	8,249 sq. ft.
Proposed Parcel B	R-3:MX	R-3:MX:PD	7,110 sq. ft.

13. The project site is currently fully developed with a SFD, Multi-family residence and accessory structures. The current uses are permitted under the R-3 zoning district pursuant to section 17.22.020 of the TCOC. Under PUD22-001, the applicant has requested to allow exceptions to the TCOC as listed in section #6 above.

Wildlife and Habitat

14. The California Department of Forestry and Fire Protection (CalFire) Fire and Resources Assessment Programs (FRAP) maps indicated that the vegetation on site consist of a Sierran Mixed Conifer (SMC) habitat type. Vegetation on site consisted of mainly sugar pine, ponderosa pine, white fir, and incense cedar trees.

Cultural Resources

15. No cultural resource indicators as addressed in Chapter 14.10 of the TCOC were found on the project site during site inspections by staff and no resources were identified in the County's cultural resource database. Therefore, a cultural resource study was not required for the proposed project. Future construction, grading, and excavation could unearth potentially significant subsurface cultural resources, therefore Tentative Parcel Map T21-050 will be conditioned to require investigation of any such discovered resources by a qualified archaeologist prior to any further construction as required by Section 14.10.150 of the Tuolumne County Ordinance Code.

Traffic/Access

16. The project site is located approximately 95 feet northeast of the intersection of Pela Cut-Off Road and Chief Fuller Way in the community of Mi-Wuk. Both roads are locally County-maintained roads. Proposed Parcel B of Tentative Parcel Map T21-050 would be accessed by a 20-foot easement which will be made a condition of the map; this easement serves as a common driveway for Parcels A and B of the Tentative Parcel Map.

Utilities

17. The project site is located within the service area of the Mi Wuk Pines Mutual Water Company service area. The Mi Wuk Pines Mutual Water Company was notified of the proposed project and did not provide comments to CDD. Tuolumne Utilities District (TUD) provides sewer services to the site. TUD requires that the applicant will need to have dedicated separate sewer connections to each resulting parcel of T21-050, a bi-directional cleanout provided for each, and separate billing accounts for each to be established. Additionally, TUD indicated that there are other private sewer lines serving adjacent parcels which cross the subject parcel that may need to be addressed. These requirements will be incorporated into conditions of approval prior to the Tentative Parcel Map being recorded.

Adjoiner Comments

18. Property owners within 300 feet of the project site were notified of the project via mail on January 31, 2022. A total of 31 owners were notified. One response in opposition was received by the Community Development Department. The letter has been attached to this report. The individuals' comments pertain to the following areas: road access, road width, and concern for increased housing on the site.
19. As previously mentioned in this report, the project site currently consists of one existing 4-plex and one existing single family dwelling unit. No further development is being proposed. Chief Fuller Way is a county-maintained road. It is designated as a local road per the 2018 General Plan. Chapter 11.2 indicates a 20-

foot required traveled roadway. Chief Fuller Way, which fronts the project site, currently has a measured width of 25 feet.

Public Agency Review

20. The subject application was circulated to various State and County agencies. Below are agency responses and main points from each response:

Tuolumne Utilities District

The Tuolumne Utilities District (TUD) indicated that each of the proposed parcels will need to have dedicated, separate sewer connections and that shared connections were not allowed. There are also other private sewer lines serving adjacent parcels which cross the subject parcel.

Staff confirmed with the applicant and the applicant's engineer if this requirement would prevent the applicant with moving forward. The applicant directed staff to continue to process the application. Therefore, staff will condition proposed T21-050 to require the applicant to work with TUD in establishing separate sewer utility connections for each lot, and to provide the necessary public utility easements for any utility infrastructure traversing the site.

California Department of Transportation (Caltrans)

Caltrans reviewed the proposed project and provided no comment.

Tuolumne Me-Wuk Tribal Council

The Tuolumne Me-Wuk Tribal Council reviewed the proposed project and voiced they have no concerns at this time as they consider the land disturbed.

Fire Prevention

Tuolumne County Fire Prevention reviewed the proposed project and had no comments on the proposed project actions.

Building and Safety Division

The Tuolumne County Building and Safety Division reviewed the proposed project and did not require any conditions.

Engineering Division

The Engineering Division of Public Works reviewed the proposed project and indicated that there are no foreseeable issues with the utilities or infrastructure. The existing access driveway to the multifamily parcel is already fully paved, located within the proposed easement, and cannot be made any wider. The proposed PUD would allow for the otherwise substandard lot sizes and setbacks. A copy of their comments have been included in this report.

Zone Change Findings

21. Chapter 17.70 of the TCOC requires that evidence be shown that the proposed project meets the necessary findings for a zone change. Below are the required findings, and staff's responses to each requirement:

A. The proposed Zone Change is consistent with the Tuolumne County General Plan.

Consistency with the General Plan is discussed and demonstrated in #7 and #8 above in this report.

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

Consistency with the Tuolumne County Ordinance Code is discussed and demonstrated in #9 through #12 above in this report.

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

The project and site are discussed in #1 above in this report. The General Plan land use designation of High Density Residential (HDR) for the site is consistent with the proposed R-3:MX zoning district.

- D. *The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15152(e) of the State CEQA Guidelines.*

22. Community Development Department Staff recommends approval of Planned Unit Development Permit PUD22-001 based upon the following findings and subject to conditions 1 through 12:

- A. *The proposed Planned Unit Development is consistent with the Tuolumne County General Plan.*

Consistency with the General Plan is discussed and demonstrated in #7 and #8 above in this report.

- B. *The proposed Planned Unit Development will not overburden existing public facilities.*

Consistency with public facilities may be found in #16 above in this report.

- C. *The size and terrain of the parcel are suitable for the proposed Planned Unit Development.*

Consistency with Finding C is demonstrated in #1 above in this report.

- D. *The proposed Planned Unit Development will not be substantially detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such proposed development or be substantially detrimental or injurious to property or improvements in the neighborhood.*

The Planned Unit Development proposed will administratively allow the already existing housing in place, easing the required lot sizes, setbacks, and floor area ratio for the two proposed lots, and would not pose a detriment or injury to property or improvements in the neighborhood.

- E. *The advantages of an efficient, integrated and well-planned development are sufficient to justify exemption from the normal application of this code.*

Approval and issuance of Planned Unit Development Permit PUD12-002 would provide two affordable housing units in accordance with the Tuolumne County General Plan policies to promote housing for all income levels. The structures have already built out, but the land owner wishes to divide the land into two lots, and therefore must take this route administratively to satisfy the local ordinances. This project does provide higher-density, more affordable housing for the Me-Wuk Village community, which is a goal as cited in the GP and TCOC sections above.

- F. *The public benefit derived from the development proposed in the Planned Unit Development permit is sufficient to justify exemption from the normal application of the County's development regulations.*

This project does provide higher-density, more affordable housing for the Me-Wuk Village community, which is a goal as cited in the GP and TCOC sections above.

PREPARED BY: Cheydi Gonzales, Land Use Coordinator

Property Owner: Lynn Marcus

Applicant Information:

Reuben Chirnside, Project Engineer

Land and Structure

105 South Stewart Street

Sonora, CA. 95370

209-532-5173

List of Attachments:

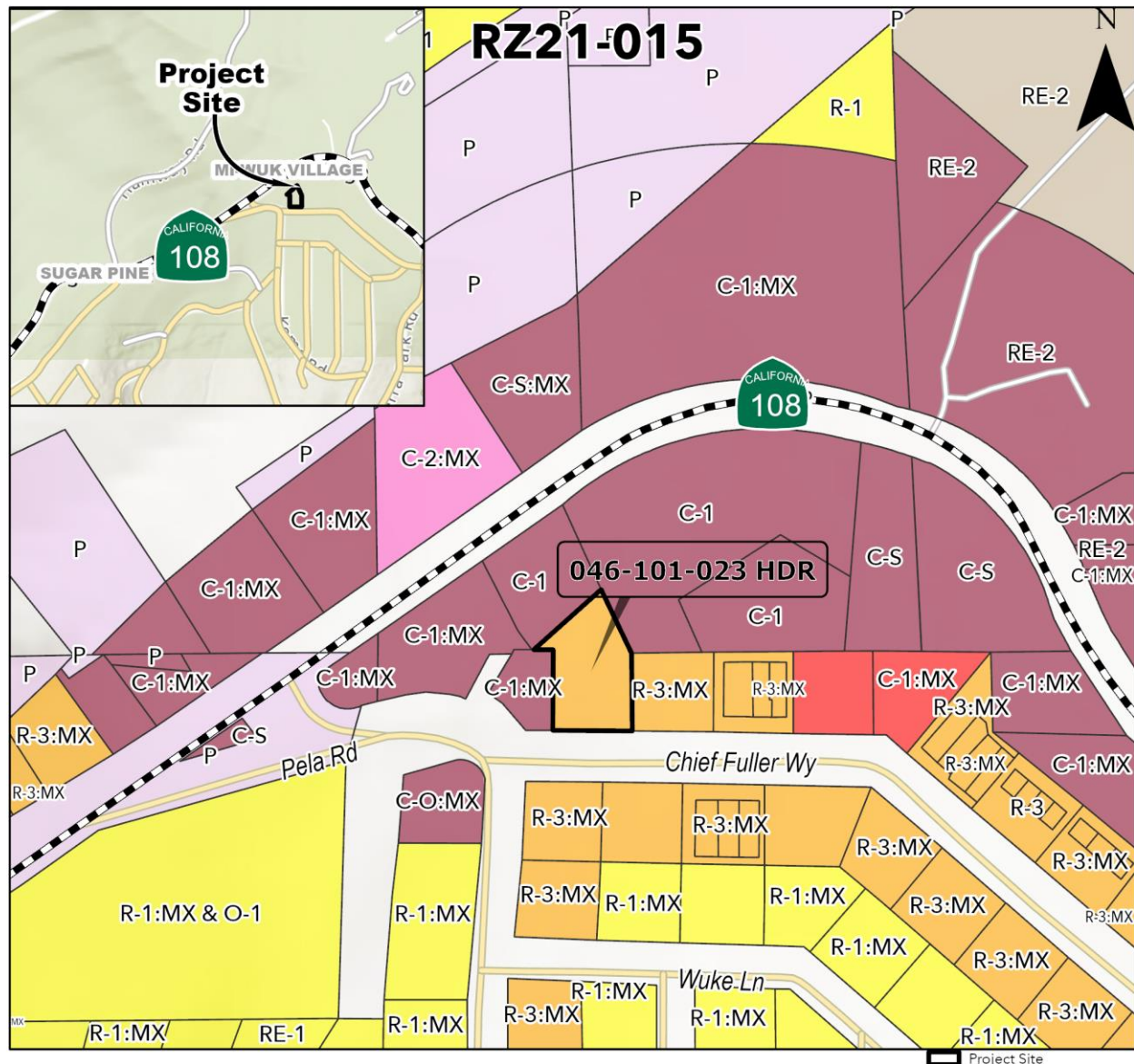
Attachment #1: Agenda Map

Attachment #2: Tentative Parcel Map T21-050

Attachment #3: Conditions of Approval for PUD22-001 and T21-050

S:\Planning\PROJECTS\Rezone\2021\RZ21-015 Marcus (T21-050)\Application Review\Agenda Report MARCUS.doc

ATTACHMENT #1: AGENDA MAP



Project: RZ21-015

Owner: Lynn Marcus

Applicant: Reuben Chirnside - Land and Structure

APN: 046-101-023

Acres: 0.35± acres

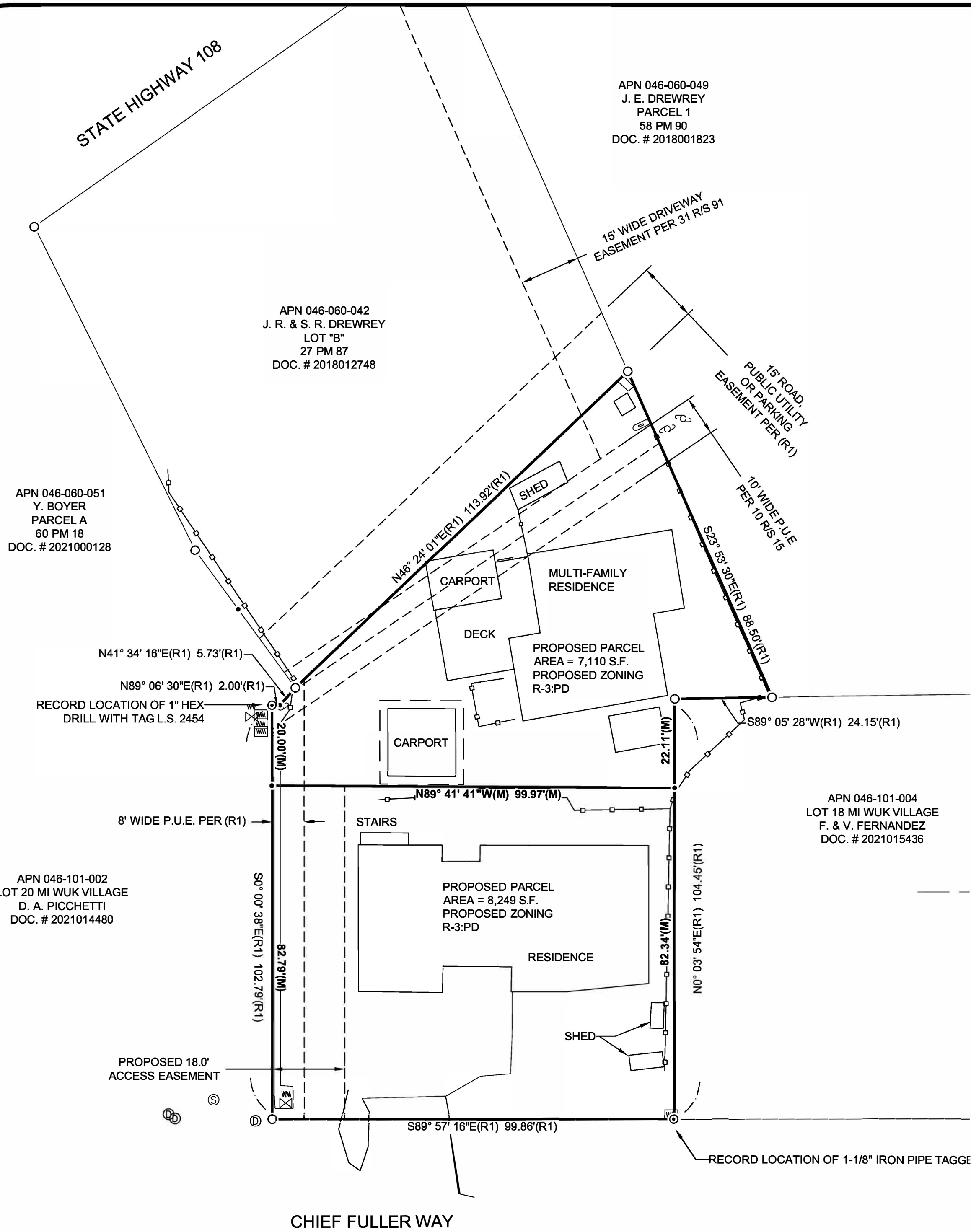
Current Zoning: R-3:MX

Current General Plan Designation: HDR

Project Description: 1) Zone Change RZ21-015 to rezone a .35± acre parcel from R-3:MX (Multiple-Family Residential: Mobilehome Exclusion Combining) to R-3:MX:PD (Multiple-Family Residential: Mobilehome Exclusion: Planned Unit Development Combining) district under Title 17 of the Tuolumne County Ordinance Code .2) Planned Unit Development Permit PUD22-001 to allow the following a) Reduction in the minimum lot size b) Reduction in the required building setbacks c) Reduction in the number and location of public utility easements d) Increase in the maximum floor area ratio

Path: X:\Planning\Temp_Shapefiles\RZ21-015 - Marcus\RZ21-015 - Marcus.aprx

Date Saved: 7/25/2022 10:30 AM



OWNER & SITE INFORMATION

LOT 19-A PER 27 PM 87

OWNER: LYNN MARCUS
929 NARVIK LANE
MODESTO, CA 95350
(209) 544-0834
046-101-023

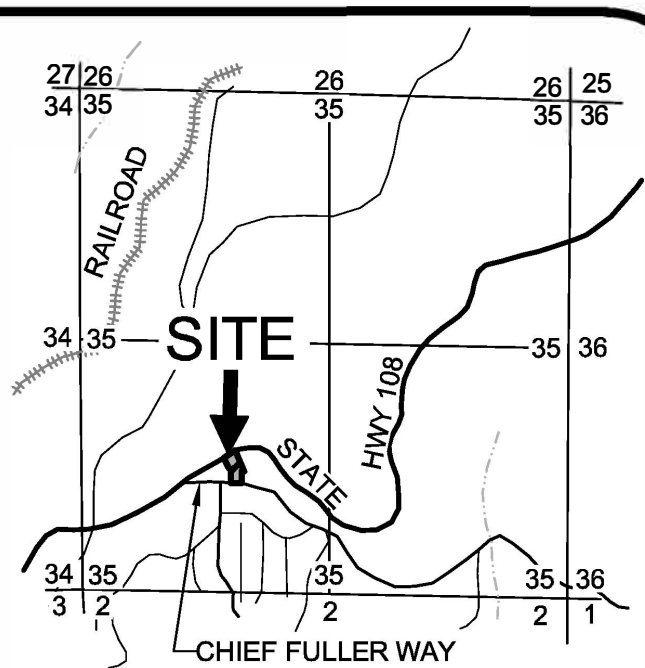
APN: 20552 CHIEF FULLER WAY, MI WUK VILLAGE, CA 95346-9737
EXISTING LOT SIZE: ±0.35 ACRES
VESTING DEED: DOC. # 2020007409
MAP OF RECORD: 27 PM 87
SEWER: TUOLUMNE UTILITIES DISTRICT
WATER: MI-MUK VILLAGE MUTUAL WATER COMPANY
EXISTING ZONING: R-3:MX
PROPOSED ZONING: R-3:MX:PD
GENERAL PLAN: HDR

NOTES

- 1) - ALL BEARINGS AND DISTANCES SHOWN ARE RECORD UNLESS OTHERWISE NOTED.
- 2) - COVENANTS, CONDITIONS & RESTRICTIONS EXISTS PER 227 O.R. 276 AND 243 O.R. 91.
- 3) - POLE LINE EASEMENTS EXIST PER 97 O.R. 326, 101 O.R. 490, 61 O.R. 355, 66 O.R. 430, 66 O.R. 472 & 205 O.R. 217.
- 4) - AN EASEMENT EXISTS FOR ROADWAY & PUBLIC UTILITIES PER 282 O.R. 456.

LEGEND

- - RECORD POSITION OF 5/8" REBAR TAGGED L.S. 4634 AS SHOWN PER 27 PM 87
- ⊙ - RECORD POSITION OF MONUMENT AS NOTED
- - CALCULATED POSITION ONLY NOTHING FOUND OR SET
- (M) - MEASURED
- (R1) - RECORD PER 27 PM 87
- - BUILDING SETBACK LINE
- ⊗ - WATER VALVE
- ⊕ - WATER METER
- ⊙ - SEWER MANHOLE
- ⊙ - DRAIN INLET / MANHOLE
- ⊙ - UTILITY POLE



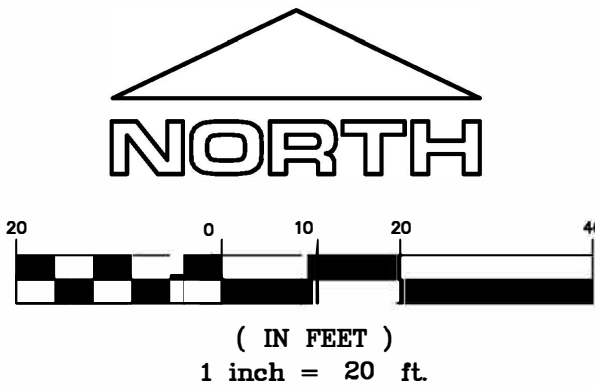
VICINITY MAP

SEC. 35, T. 3 N., R. 16 E., M.D.M., N.T.S.

PRELIMINARY
NOT FOR CONSTRUCTION

RICHARD H. JAMES
P.L.S. 8550

DATE



JOB NO.:	DRAWN BY:	DWG NAME:	DATE:
21-06.04	TAH	TPM	11/05/2021



105 SOUTH STEWART STREET, SONORA, CA., 95370
T: 209.532.5173 F: 209 532 5220

TENTATIVE PARCEL MAP
AND ZONE CHANGE PLAT

BEING A ZONE CHANGE

BEING A LAND DIVISION OF LOT 19-A AS SHOWN IN BOOK 27 OF PARCEL MAPS AT PAGE 87 ON FILE IN THE OFFICE OF THE TUOLUMNE COUNTY RECORDER, LYING WITHIN A PORTION OF THE SOUTHWEST 1/4 OF SECTION 35, TOWNSHIP 16 EAST, RANGE 16 EAST, MOUNT DIABLO MERIDIAN, IN THE UNINCORPORATED AREA OF TUOLUMNE COUNTY, STATE OF CALIFORNIA.

ATTACHEMENT #3: CONDITIONS

CONDITIONS OF APPROVAL PLANNED UNIT DEVELOPMENT PERMIT PUD22-001 AND TENTATIVE PARCEL MAP T21-050

General Conditions:

1. LU As a condition of the grant of approval of this Permit, and as a continuing condition of approval of the Permit, developer/permittee/applicant/property owner/subdivider, and the successor in interest shall defend, indemnify, save and hold harmless the County of Tuolumne, its elected and appointed officials, officers, agents, employees and volunteers from any and all claims, actions, proceedings, or liability of any nature whatsoever (including attorney's fees and costs awards) arising out of, or in connection with the County's review or approval of the application or project on which this condition is imposed, or arising out of or in connection with the acts or omissions of the above described person, and his/her/its agents, employees, or contractors, during any work performed in connection with the application or project. With respect to review or approval, this obligation shall also extend to any effort to attack, set aside, void, or annul the approval of the project including any contention the project approval is defective because a county ordinance, resolution, policy, standard, or plan is not in compliance with local, state or federal law. With respect to acts or omissions of the above-described person and his/her/its agents, employees, or contractors, the obligation hereunder shall apply regardless of whether the County prepared, supplied, or approved plans, specifications or both. If the defense right is exercised, the County Counsel shall have the absolute right to approve any and all counsel employed to defend the County. To the extent the County uses any of its resources to respond to such claim, action or proceeding, or to assist the defense, the above-described person will reimburse County upon demand. Such resources include, but are not limited to, staff time, court costs, County Counsel's time at its regular rate for non-County agencies, or any other direct or indirect cost associated with responding to, or assisting in defense of, the claim, action, or proceedings. For any breach of this obligation the County may, without notice, rescind its approval of the application or project to which this covenant/condition is attached. (TCOC, Section 17.68.150)
2. BD Building Permits are required for all non-exempt structures being constructed on this project site pursuant to Section 105 of the California Building Code. (TCOC, Section 17.68.150)

LU = Land Use & Natural Resources	SUR = Surveying Division	EH = Environmental Health Division
ED = Engineering Development Division	FPD = Fire Prevention Division	SW = Solid Waste
BD = Building and Safety Division	APCD = Air Pollution Control District	AG = Agricultural Commissioner

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

3. SUR The Parcel Map shall meet all requirements mandated by federal, state, or local law. Federal or state law may require additional obligations beyond that required by these conditions or local requirements, including additional analysis of environmental or other issues, over which the County has no control. (TCOC, Section 16.02.040)
4. SUR Public utility easements shall be provided as required for each proposed parcel, as referenced in the Tuolumne County Ordinance (Title 16.24.170) and per serving utility minimum requirements.

On-Going Conditions:

5. EH All storage and removal of refuse, rubbish, and recyclables shall be in compliance with the requirements specified in TCOC, Chapter 8.05 and CCR Title 14 and Title 27. {TCOC, Chapter 8.05}
6. SW Excepting disruptions in normal refuse collection schedules, refuse shall not be allowed to remain on the premises for more than seven days unless it is satisfactorily composted, used as animal food, used as soil amendments, or some other beneficial use provided such use does not create a nuisance. (TCOC, Section 8.05.035)
7. SW Persons hauling solid waste from their residence or solid waste produced in the course of their own business (including building contractors) are required to deliver solid waste only to facilities identified and authorized by the Tuolumne County Board of Supervisors by Resolution, including the Cal Sierra Transfer Station, the Pinecrest Transfer Station, or the Groveland Transfer Station. (TCOC, Section 7.12.050)
8. SW If a business located on the project site generates more than four (4) cubic yards of solid waste per week, recycling is required, even if this quantity of generation happens only occasionally. Recycling can include subscribing to recycling service provided by the franchise hauler of the collection area, self-hauling recyclables to a recycling center, or donating recyclables to a charitable cause. Space shall be included on the project site for recycling and garbage receptacles. (Natural Resources, Division 7, Chapter 9.1, Sections 18835-18837)

LU = Land Use & Natural Resources	SUR = Surveying Division	EH = Environmental Health Division
ED = Engineering Development Division	FPD = Fire Prevention Division	SW = Solid Waste
BD = Building and Safety Division	APCD = Air Pollution Control District	AG = Agricultural Commissioner

9. LU The noise levels generated by the project shall be restricted to the following exterior noise limits as measured at the property line as follows:

¹Leq. 1 hour refers to the average noise level measured over a one hour period. (TCOC, Section 17.68.150)

Zoning Classification of Receiving Property	Noise Level (dB) of Sound Source	
	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
MU, R-3, R-2, R-1, RE-1, RE-2, RE-3, RE-5, RE-10, C-O, C-1, C-S, BP	50 Leq. (1 hour) ¹	45 Leq. (1 hour) ¹

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

- A. The person discovering the cultural resource shall notify the Community Development Department by telephone within 4 hours of the discovery or the next working day if the department is closed.
- B. When the cultural resource is located outside the area of disturbance, the Community Development Department shall be allowed to photo document and record the resource and construction activities may continue during this process. On parcels of two or more gross acres, the area of disturbance includes building pads, septic areas, driveways, or utility lines, grading and vegetation removal, plus 300 feet. On parcels of less than 2 gross acres, the area of disturbance equals the boundaries of the parcel.
- C. When the cultural resource is located within the area of disturbance, all activities that may impact the resource shall cease immediately upon discovery of the resource. All activity that does not affect the cultural resource as determined by the of the Tuolumne County Ordinance Code, such as an archaeologist or an historian, shall be allowed to conduct an evaluative survey to evaluate the significance of the cultural resource.
- D. When the cultural resource is determined to not be significant, the qualified professional or Community Development Department shall be allowed to photo document and record the resource. Construction activities may resume after authorization from the Community Development Department.
- E. When a resource is determined to be significant, the resource shall be avoided with said resource having boundaries established around its

LU = Land Use & Natural Resources	SUR = Surveying Division	EH = Environmental Health Division
ED = Engineering Development Division	FPD = Fire Prevention Division	SW = Solid Waste
BD = Building and Safety Division	APCD = Air Pollution Control District	AG = Agricultural Commissioner

perimeter by a qualified professional archaeologist or historian or a cultural resource management plan shall be prepared by a qualified professional to establish measures formulated and implemented in accordance with Sections 21083.2 and 21084.1 of the California Environmental Quality Act (CEQA) to address the effects of construction on the resource. The qualified professional shall be allowed to photo document and record the resource. Construction activities may resume after authorization from the Community Development Department. All further activity authorized by this permit shall comply with the cultural resources management plan.

A cultural resource is any building, structure, object, site, district, or other item of cultural, social, religious, economic, political, scientific, agricultural, educational, military, engineering or architectural significance to the citizens of Tuolumne County, the State of California, or the nation which is 50 years of age or older or has been listed on the National Register of Historic Places, the California Register of Cultural Resources, or the Tuolumne County Register of Cultural Resources. (TCOC, Section 14.10.150)

11. LU All signage shall comply with Chapter 17.62 of the Tuolumne County Ordinance Code. (TCOC, Section 17.68.150)

12. LU Fuel oil shall not be used as a heating source. (TCOC, Section 17.68.150)

MONITORING PROVISION: A Notice of Action shall be recorded for Conditions 1 through 12 to notify all owners of this parcel of the conditions of this entitlement and these responsibilities. Any violations observed by the Community Development Department and Department of Public Works during regular site inspections or in response to complaints shall be referred to the agency having jurisdiction over the condition for resolution or referred to the Code Compliance Officer for enforcement. (PRC, Section 21081.6; TCOC Section 17.68.150)

LU = Land Use & Natural Resources	SUR = Surveying Division	EH = Environmental Health Division
ED = Engineering Development Division	FPD = Fire Prevention Division	SW = Solid Waste
BD = Building and Safety Division	APCD = Air Pollution Control District	AG = Agricultural Commissioner

Cheydi Gonzales

From: Cheydi Gonzales
Sent: Thursday, March 10, 2022 10:29 AM
To: Sherry Birkestrand
Subject: RE: Zone Change RZ21-015

Greetings,

Thank you for your comments on the referenced project. I will include your comments in the project file and they will be a part of the public record pertaining to the project. Should you have any questions please reach out to me directly.

Sincerely,

Cheydi Gonzales, Land Use Coordinator

Land Use and Natural Resources Division
Tuolumne County Community Development Department
48 Yaney Avenue
Sonora, CA. 95370
Email: cgonzales@co.tuolumne.ca.us
Website: <https://www.tuolumnecounty.ca.gov/179/Planning>
Phone: (209) 533-6641

From: Sherry Birkestrand <sherrybirk04@gmail.com>
Sent: Monday, February 21, 2022 1:51 PM
To: Cheydi Gonzales <cgonzales@co.tuolumne.ca.us>
Subject: Zone Change RZ21-015

Thank you for notifying me about this proposed project.

I am very much against a project like this that tries to squeeze housing into nooks and crannies that are already crowded. Also, it's bad access there, as well as dangerous. The units in the area are already tight. Why encourage neighbors to have more reason to fight over parking and personal living habits. It's a 'downer' type of location as it is. Would you want to live there?

I am going to try and include a picture I took on December 30, 2021. It's taken from in front of my townhouse on Chief Fuller looking towards the intersection of Pela Rd. and Pela Cut off. This shows what snow does to further complicate access. Chief Fuller is only a one lane road during periods of snow. It can take awhile for it to melt or for dwellers to chop away at accumulated snow to make the road passable and parking do-able. In fact there is still snow in the shady areas from that storm.

When there is no snow, Chief Fuller is not wide enough for two cars to get by each other without going off of the pavement. There are 'no parking' areas that also complicate things. There are fast moving cars coming from around curves that don't account for cars that are stashed along the sides of the road or cars backing out of driveways. Also, the school bus stops traffic as it travels up and down Chief Fuller.

People don't come to Tuolumne County to "live on top of each other". They come here to enjoy the space and beauty. If there is no place to build as the zones have already been laid out, then go where the zoning does work. This plan does nothing for the greater good. Let's think about everyone, not just ourselves. Planning and zoning was done for good reason. Let's leave this as is, huh?





TUOLUMNE UTILITIES DISTRICT

18885 Nugget Blvd. | Sonora, CA 95370
(209) 532-5536 | www.tudwater.com

Board of Directors

Barbara Balen
David Boatright
Jeff Kerns
Lisa Murphy
Ron W. Ringen

February 25, 2022

Tuolumne County Community Development Department
Attn: Cheydi Gonzales
2 S. Green St.
Sonora, CA 95370

RE: MARCUS, RZ21-015.
APN: 046-101-023.

To Whom It May Concern:

The following is in response to your letter to advisory agencies dated January 31, 2022. Water and/or sewer capacity is not reserved for the project until all capacity fees have been paid. The District is not obligated to serve the development until certain conditions are fulfilled, some of which are listed below. The project proponent is advised to contact the District as soon as possible to discuss the conditions of service and the associated fees.

WATER SYSTEM INFORMATION and CAPACITY

The Tuolumne Utilities District does not provide water service to this area. The project site is located within the service area of the Mi Wuk Pines Mutual Water Company.

Water Supply Capacity: Not Applicable.

Water Treatment Capacity: Not Applicable.

Water Storage Capacity: Not Applicable

Water Pumping Capacity: Not Applicable.

Water Distribution Capacity: Not Applicable.

SEWER SYSTEM INFORMATION and CAPACITY

The provision of sewer service to the project requires sufficient sewer collection, treatment, and disposal facilities. The District will collect capacity fees based on the estimated volume of sewer that will be produced by the project. Those fees are intended to reimburse the District for the value of the collection, treatment, and disposal capacity that will be consumed by the project and will allow the District to fund improvements to increase capacity to be ready to serve future development. The cost to construct any pipelines necessary to connect the project to the District's existing sewer collection system are the responsibility of the project proponent.

Sewer Collection Capacity: A 6-inch District sewer main is located within the Chief Fuller Road right of way. One sewer service lateral with active utility billing account is currently stubbed to APN: 046-101-023.

Sewer Pumping Capacity: Mi Wuk Sewer Lift Station - Adequate Capacity Exists.

Sewer Treatment Capacity: Mi Wuk Septage Facility - Adequate capacity exists.

Sewer Disposal Capacity: Mi Wuk Septage Facility - Adequate capacity exists.

CONDITIONS OF SERVICE:

Water

1. Water Service(s): Not Applicable.
2. Water Main Extension: Not Applicable.

Sewer

3. Sewer Service(s): The District would require each of the proposed parcels to have a separate sewer service lateral with a bi-directional cleanout and a second utility billing account be established. The project proponent would be required to cover any costs associated with adding, relocating and/or upsizing sewer facilities/services required to serve to development including abandonment of sewer facilities/services not utilized by the project.
4. Sewer Main Extension: Not Applicable.

General

5. Sewer Change of Use Fees and Capacity Charges: The District understands no further development is proposed. Should development be considered in the future, prior to service by the District, the project proponent would be required to pay all applicable fees and charges for capacity exceeding the historical capacity of the property. In cases where it is determined that existing District facilities do not contain sufficient capacity to serve the project, the project proponent would be required to construct or improve District facilities before service can be provided. project proponent is advised to contact the District at the early stages of project development for an estimate of these fees and/or charges. Fees and/or charges are subject to increases on July 1st annually.
6. Private Sewer Lines: District records indicate private sewer lines serving APNS: 046-060-042 and 046-060-049 exists on APN: 046-101-023 along the Northerly and Westerly property lines. The District does not know the exact location or condition of these private sewer lines.

Regards,



Antonio J. Ramirez
Engineering Services Technician
(209) 532-5536 Ext. 511



TUOLUMNE ME-WUK TRIBAL COUNCIL

Post Office Box 699

TUOLUMNE, CALIFORNIA 95379

Telephone (209) 928-5300

Fax (209) 928-1677

February 11, 2022

Cheydi Gonzales
Tuolumne County Community Development Department
2 S. Green Street
Sonora, CA 95370

RE: Zone Change RZ21-015

Assessor's Parcel Number: 046-101-023

Dear Ms. Gonzales,

We are in receipt of your communication dated January 31st, 2022 regarding the above referenced project. Upon reviewing said documentation and the project area, the Tribe has no concerns at this time as the land is considered disturbed. Thank you for keeping us updated.

Best regards,

Kyle Cox

Cultural Resource Manager

RECEIVED
FEB 15 2022
Community Development
Department



Department of Public Works

Kim MacFarlane, P.E.
Director

48 W. Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
209.533.5601
www.tuolumnecounty.ca.gov

MEMORANDUM

Date: February 15, 2022

To: Cheydi Gonzales, Land Use Coordinator

From: David Ruby, Planning Manager
Blossom Scott-Heim, Supervising Engineer

Re: RZ21-015 / PUD22-001, Marcus
APN 046-101-023
20552 Chief Fuller Way, Mi-Wuk Village

AIRPORTS
Airports Manager
Benedict Stuth
209.533.5685

BUSINESS
Senior Accountant
Janelle Kostlivy
209.533.5972

ENGINEERING
Supervising Engineer
Blossom Scott-Heim, P.E.
209.533.5904

FLEET SERVICES
Fleet Services Manager
Mike Young
209.533.1622

**GEOGRAPHIC
INFORMATION
SYSTEMS**
GIS Coordinator
Madeline Amlin
209.533.6592

ROAD OPERATIONS
Road Superintendent
Mike Cognetti
209.533.5609

SOLID WASTE
Solid Waste Manager
Jim McHargue, REHS
209.533.5588

SURVEYING
County Surveyor
Warren Smith, L.S.
209.533.5626

The project consists of RZ21-014, seeking to rezone a fully-developed plot of land consisting of one single-family residence fronting Chief Fuller Way in Mi-Wuk Village, and a second multiunit residential structure immediately behind it, accessed via a paved driveway adjacent to the single family residence and along the westerly property line. An existing laundromat and drive-through self-service car wash is located immediately north of the site and may historically have been used as a path of ingress/egress for the multiunit housing occupants. The zoning change proposed is to go from R-3:MX to R-3:MX:PD to allow for a Planned Unit Development, PUD22-001, to allow for the creation of two lots out of APN 046-101-023, one for the single-family residence, and one for the multiunit residence. The PUD allows for substandard minimum lot sizes, reduction in building setbacks, reduction in the number and location of public utility easements (PUEs), and the increase of the maximum floor area ratio. A Tentative Parcel Map necessary for the lot division will be filed separately and commented upon separately.

Wet (Tuolumne Utilities District sanitary sewer and Mi-Wuk Village Mutual Water Company water) and dry utilities exist for the various buildings and are assumed sufficient for the present uses. An existing PUE is evident on the western property line, and serves the northern portion of the parcel with the multiunit structure. A proposed access easement, 20' in width, is proposed to be dedicated along the western property line of the single family residence lot, to allow legal access to the new lot (for multifamily structure) behind it.

There are no foreseeable issues with the utilities or infrastructure. The existing access driveway to the multifamily parcel is already fully paved, located within the proposed easement, and cannot be made any wider. The proposed PUD would allow for the otherwise substandard lot sizes and setbacks.

N:\Public_Works\Development\Conditions of Approval\2021\RZ21-015-PUD22-001 Marcus 20220215.docx

Cheydi Gonzales

From: Casas, Michael@DOT <Michael.Casas@dot.ca.gov>
Sent: Tuesday, February 8, 2022 1:51 PM
To: Taryn Vanderpan; Cheydi Gonzales
Cc: Ponce, Gregoria@DOT
Subject: RE: Stakeholder Notification
Attachments: Zone_Chnage_RZ21-015-Lynn_Marcus (2).pdf

Greetings,

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the Zone Change RZ21-014 to rezone a .35± acre parcel from R-3:MX (Multiple-Family Residential: Mobilehome Exclusion Combining) to R-3:MX:PD (Multiple-Family Residential: Mobilehome and Planned Unit Development Permit PUD22-001). The applicant has also applied for Tentative Parcel Map T21-050 to split assessor's parcel number 046-101-023. The Tentative Parcel Maps (TPM) will be handled by the County Surveyor at a later date. The Planned Unit Development Permit PUD22-001 will allow the following:

- a. Reduction in the minimum lot size
- b. Reduction in the required building setbacks
- c. Reduction in the number and location of public utility easements
- d. Increase in the maximum floor area ratio

The project site is located at 20552 Chief Fuller Way it is approximately 350 feet from State Route (SR) 108 and Chief Fuller Way intersection in Mi Wuk Village. Assessor's Parcel Number (APN) 046-101-023.

Caltrans has no comments for Zone Change RZ21-014, Planned Unit Development Permit PUD22-001, and Tentative Parcel Map TPM21-050. However, when the future development application is processed, Caltrans requests to be included in the review process.

Kind regards,

Michael Casas
Associate Transportation Planner
District Native American Liaison (DNAL)
Caltrans District 10, Office of Rural Planning
1976 E. Dr. Martin Luther King Jr Blvd. Stockton, CA 95205
Telework (209) 986-9830

From: Taryn Vanderpan <TVanderpan@co.tuolumne.ca.us>
Sent: Monday, January 31, 2022 9:29 AM
Subject: Stakeholder Notification

EXTERNAL EMAIL. Links/attachments may not be safe.

Good Morning,

Attached, please find a stakeholder notification for a proposed project in Tuolumne County.
If you have any questions, concerns, or comments, please do not hesitate to contact us.

Thank you,

Taryn Vanderpan
Administrative Assistant
Community Development Department
(209) 533-5635
www.tuolumnecounty.ca.gov



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 533-5616 (Fax)
(209) 533-5909 (Fax – EHD)
www.tuolumnecounty.ca.gov

UNAPPROVED

TUOLUMNE COUNTY PLANNING COMMISSION MEETING MINUTES

October 5, 2022

PRESENT: Chair Jerry Morrow, and Commissioners Jim Jordan, Catherine Santa Maria, Kara Bechtle and Larry Beil
ABSENT: Vice-Chair Linda Emerson and Commissioner Mike Gustafson
STAFF: Quincy Yaley, CDD Director; Dave Ruby, Planning Manager; Cheydi Gonzales, Land Use Coordinator and Taryn Vanderpan, Administrative Technician

* * * * *

CALL TO ORDER/WELCOME:

Chair Morrow called the meeting of October 5, 2022 to order at 6:00 p.m. and led the Commission and audience members in the Pledge of Allegiance.

Dave Ruby, Planning Manager, indicated that there was a quorum.

PLANNING COMMISSION BUSINESS:

- 1. Adopting Resolution PC2022-007, authorizing remote teleconference meetings of TCPC for the period of October 5, 2022, to November 4, 2022.**

It was moved by Commissioner Santa Maria and seconded by Chair Morrow to approve Resolution PC2022-007, authorizing remote teleconference meetings for TCPC for the period of October 5, 2022, to November 4, 2022.

Staff roll called for the vote:

Chair Morrow: No
Vice-Chair Emerson: Absent
Commissioner Gustafson: Absent
Commissioner Santa Maria: Aye
Commissioner Bechtle: Aye
Commission Jordan: No
Commissioner Beil: Aye

Chair Morrow called for the vote. 3, Ayes; 2, Noes; 0, Abstain

Staff roll called for the vote:

Motion carried: 3 – 2 – 0 with Chair Morrow and Commissioner Jordan voting no and Vice-Chair Emerson and Commissioner Gustafson being absent.

2. Reports

**** Reports are a brief oral report from a Committee or Commission member and/or County staff, and no Committee or Commission action will occur. This item is not intended to include in depth presentations or reports, as those matters should be placed on an agenda for discussion****

Dave Ruby, Planning Manager, indicated that there would be a Tuolumne County Planning Commission meeting on October 19, 2022.

3. Report from the Board of Supervisors Planning Committee Representative

Commissioner Jordan noted there was not meeting; therefore, there was nothing to report.

4. Report from the Agricultural Advisory Committee Representative

Commissioner Bechtle noted there was no meeting; therefore, there was nothing to report.

5. Minutes of the meeting of September 7, 2022

Commissioner Beil asked for clarification on the first vote that failed regarding the adoption of Resolution PC2022-007.

Ms. Yaley explained that for the Commission to continue the meeting Zoom meeting of September 7, 2022, the Commission needed to adopt Resolution PC2022-007.

It was moved by Commissioner Santa Maria and seconded by Chair Morrow to approve the minutes of September 7, 2022, as presented.

Staff roll called for the vote:

Chair Morrow: Aye
Vice-Chair Emerson: Absent
Commissioner Gustafson: Absent
Commissioner Santa Maria: Aye
Commissioner Bechtle: Abstain
Commissioner Jordan: Aye
Commissioner Beil: Abstain

Chair Morrow called for the vote. 3; Ayes, 0; Noes, 2; Abstain

Motion carried: 3– 0 – 2 With Commissioners Bechtle and Beil abstaining and Vice-Chair Emerson and Commissioner Gustafson being absent.

NEW BUSINESS:

PUBLIC COMMENT:

Chair Morrow 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. Seeing no one, he closed

the public comment period.

PUBLIC HEARING:

- 1. CA DRILLING & BLASTING CO, INC.,** Conditional Use Permit CUP22-008 to allow the use of a commercial coach on a 69.45± acre parcel zone M-2 (Heavy Industrial) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

The project site is located at 5405 O'Byrnes Ferry Road, approximately 1.5± miles west of the intersection of State Highway 120/108 and O'Byrnes Ferry Road, in the community of Jamestown. Within a portion of Section 3, Township 1 South, Range 13 East, Mountain Diablo Baseline and Meridian and within Supervisorial District 5. Assessor's Parcel Number 063-160-025.

Dave Ruby, Planning Manager, gave a PowerPoint Presentation on the proposed projects location and description.

Chair Morrow asked if the Commission had any questions. Seeing no one, he opened the public comment period and asked if there was anyone who wished to speak on the proposed project. Seeing no one, he closed the public comment period and referred the item back to the Commission for discussion.

It was moved by Commissioner Santa Maria and seconded by Commissioner Jordan to approve Conditional Use Permit CUP22-008 based on Findings A through F and subject to Conditions 1 through 23.

Staff roll called for the vote:

Chair Morrow: Aye
Vice-Chair Emerson: Absent
Commissioner Gustafson: Absent
Commissioner Santa Maria: Aye
Commissioner Bechtle: Aye
Commission Jordan: Aye
Commissioner Beil: Aye

Chair Morrow called for the vote. 5; Ayes, 0; Noes, 0; Abstain

Motion carried: 5– 0 – 0 With Vice-Chair Emerson and Commissioner Gustafson being absent.

2. GRAY,

1. Zone Change RZ21-013 to rezone a 0.19± acre parcel from C-1:D:H:HDP:MX (General Commercial: Design Review: Historic: Historic Design Preservation: Mobilehome Exclusion Combining) to M-U (Mixed Use): D:H:HDP:MX combining under Title 17 of the Tuolumne County Ordinance Code (TCOC).
2. Site Development Permit SDP21-007 to allow construction and/or expansion of an existing gas station, construction of new restrooms, restoration and conversion of a previous restroom facility, development of new parking area, outdoor patio area, fencing, new utility connections and associated infrastructure, for an intended retail commercial use.
3. Historic Conditional Use Permit CUPH21-002 to allow exterior alterations and demolition within the subject parcel per Chapter 17.44 (:H) and Chapter 17.45 (:HDP) of the TCOC.

The project site is located at 18211 and 18223 Main Street in the community of Jamestown, on the northeast corner of the intersection of Main Street and Seco Street. The project site is within a portion of Section 10, Township 1 North, Range 14 East, Mount Diablo Baseline and Meridian, and within Supervisorial District 5. Assessor's Parcel Number 003-112-006.

Cheydi Gonzales, Land Use Coordinator, gave a PowerPoint presentation on the proposed project location and description.

Chair Morrow opened the public comment period and asked if there was anyone who wished to speak on the proposed project.

John Gray, project proponent, noted that the gas tanks were removed from the parcel in the 1980s.

Commissioner Beil asked if the indented use of the retail shop was to be a feed store, which was indicated on the graphics.

Mr. Gray responded that the graphics included in the agenda report were from a similar renovated gas station, and the proposed retail would not be a feed store.

Chair Morrow asked if there was anyone else who wished to speak on the proposed project. Seeing no one, he closed the public comment period and referred the item back to the Commission for discussion.

It was moved by Commissioner Santa Maria and seconded by Commissioner Jordan to recommend approval of Rezone RZ21-013 based on Findings A through D.

Staff roll called for the vote:

Chair Morrow: Aye
Vice-Chair Emerson: Absent
Commissioner Gustafson: Absent
Commissioner Santa Maria: Aye
Commissioner Bechtle: Aye
Commissioner Jordan: Aye
Commissioner Beil: Aye

Chair Morrow called for the vote. 5; Ayes, 0; Noes, 0; Abstain

Motion carried: 5– 0 – 0 With Vice-Chair Emerson and Commissioner Gustafson being absent.

It was moved by Commissioner Beil and seconded by Commissioner Jordan to approve Site Development Permit SDP21-007 based on Findings A through D and subject to Conditions 1 through 45.

Staff roll called for the vote:

Chair Morrow: Aye
Vice-Chair Emerson: Absent
Commissioner Gustafson: Absent
Commissioner Santa Maria: Aye
Commissioner Bechtle: Aye
Commission Jordan: Aye
Commissioner Beil: Aye

Chair Morrow called for the vote. 5; Ayes, 0; Noes, 0; Abstain

Motion carried: 5– 0 – 0 With Vice-Chair Emerson and Commissioner Gustafson being absent.

ADJOURNMENT:

Chair Morrow adjourned the meeting.

Respectfully,

Quincy Yaley, AICP
Community Development Department Director

QY:tv

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