



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

April 5, 2023
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

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

You 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. 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**

2. Report from the Agricultural Advisory Committee Representative

3. Minutes of the Meeting of January 18, 2023

4. Election of Officers

- Chair
- Vice Chair
- Agricultural Advisory Committee Representative

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. SCHOPFER & MOULTRHOP,

1. Resolution for General Plan Amendment GPA22-006 to amend the General Plan land use designation of a 0.19± acre parcel from Low Density Residential (LDR) to Estate Residential (ER).
2. Ordinance for Zone Change RZ22-011 to rezone a 0.19± acre parcel (APN 041-190-028) from R-1:MX (Single Family Residential:Mobile Home Exclusion Combining) to RE-3:MX

(Residential Estate, Three Acre Minimum:Mobile Home Exclusion Combining) and to rezone an 8.08± acre parcel (APN 041-150-015) from RE-5:MX (Residential Estate, Five Acre Minimum:Moible Home Exclusion Combining) to RE-3:MX under Title 17 of the Tuolumne County Ordinance Code (TCOC).

The project site consists of two parcels totaling 8.99± acres located in the community of Twain Harte. APN 041-190-028 is a 0.91± acre parcel located at 19460 Middle Camp Sugar Pine Road, approximately 600 feet east of the intersection of Middle Camp Sugar Pine Road and Confidence South Fork Road in Twain Harte. APN 041-150-015 is an 8.08± acre parcel located along South Fork Road, approximately 1,600 feet east of the intersection of South Fork Road and Confidence South Fork Road, in Twain Harte. The project site is located within a portion of Section 4, Township 2 North, Range 16 East, Mount Diablo Baseline and Meridian, and within Supervisorial District 3. Assessor's Parcel Numbers 041-190-028 and 041-150-015.

2. VACCAREZZA,

1. Resolution for General Plan Amendment GPA22-002 to amend the General Plan land use designation of a 0.84± acre portion of a 10.23± acre parcel from Rural Residential (RR) to Homestead Residential (HR).
2. Ordinance for Zone Change RZ22-008 to rezone a 0.84± acre portion of a 10.23± acre parcel from RE-5 (Residential Estate, Five Acre Minimum) to RE-3 (Residential Estate, Three Acre Minimum) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

The project site is located at 10144 Bell Mooney Road in the community of Jamestown, approximately 900± feet west of the intersection of Jacksonville Road and Bell Mooney Road. The project site is located within a portion of Section 15, Township 1 North, Range 14 East, Mount Diablo Baseline and Meridian and within Supervisorial District 5. Assessor's Parcel Number 059-080-087.

3. McCURLEY,

1. Resolution for General Plan Amendment GPA22-003 to amend the General Plan land use designation of a 3.0± acre portion of a 4.68± acre parcel from Homestead Residential (HR) to Estate Residential (ER).
2. Ordinance for Zone Change RZ22-009 to rezone a 1.7± acre portion of a 4.68± acre parcel from RE-1 (Residential Estate, One Acre Minimum) to RE-2 (Residential Estate, Five Acre Minimum) to RE-2 under Title 17 of the Tuolumne County Ordinance Code.

The project site is located at 18258 Old Wards Ferry Road in the community of Sonora, approximately 33 feet southwest of the intersection of Lambert Lake and Old Ferry Road. The project site is located within a portion of Section 15, Township 1 North, Range 15 East, Mount Diablo Baseline and Meridian and within Supervisorial District 4. Assessor's Parcel Number 056-430-016.

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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SCHOPFER & MOULTRHOP

DATE: February 17, 2023

SURFACE/MINERAL

RIGHTS OWNER: Erin & Michael Schopfer
530-913-1986
Dorothy Moulthrop
209-586-5553

APPLICANT: Land and Structure
209-532-5173

PROJECT AND LOCATION

PROJECT

DESCRIPTION:

1. Resolution for General Plan Amendment GPA22-006 to amend the General Plan land use designation of a 0.91± acre parcel from Low Density Residential (LDR) to Estate Residential (ER).
2. Ordinance for Zone Change RZ22-011 to rezone a 0.91± acre parcel (APN 041-190-028) from R-1:MX (Single Family Residential:Mobile Home Exclusion Combining) to RE-3:MX (Residential Estate, Three Acre Minimum:Mobile Home Exclusion Combining) and to rezone an 8.08± acre parcel (APN 041-150-015) from RE-5:MX (Residential Estate, Five Acre Minimum:Mobile Home Exclusion Combining) to RE-3:MX under Title 17 of the Tuolumne County Ordinance Code (TCOC).

LOCATION:

The project site consists of two parcels totaling 8.99± acres located in the community of Twain Harte. APN 041-190-028 is a 0.91± acre parcel located at 19460 Middle Camp Sugar Pine Road, approximately 600 feet east of the intersection of Middle Camp Sugar Pine Road and Confidence South Fork Road in Twain Harte. APN 041-150-015 is an 8.08± acre parcel located along South Fork Road, approximately 1,600 feet east of the intersection of South Fork Road and Confidence South Fork Road, in Twain Harte. The project site is located within a portion of Section 4, Township 2 North, Range 16 East, Mount Diablo Baseline and Meridian, and within Supervisorial District 3. Assessor's Parcel Numbers 041-190-028 and 041-150-015.

GENERAL PLAN:

The project site is designated Estate Residential (ER) and Low Density Residential (LDR) by the 2018 Tuolumne County General Plan. Following approval of the project, the entire site would be designated ER. The proposed RE-3:MX zoning district is compatible with the ER General Plan 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. The General Plan Amendment and Zone Change are proposed to facilitate a lot line adjustment to adjust property lines between two legal parcels. The lot line adjustment is a ministerial project as defined in Section 15369 of the *State CEQA Guidelines*. Ministerial projects are statutorily exempt from review under CEQA pursuant to Section 15268 of the *State CEQA Guidelines*. The proposed project would not increase the number of legal parcels or increase the potential residential density potential. The project is

SCHOPFER & MOULTRHOP

not proposing any development. Therefore, it can be seen with certainty that the proposed project would not have a significant effect on the environment.

RECOMMENDATION

1. Community Development Department Staff recommends approval of General Plan Amendment GPA22-006 based upon the following findings and contingent upon adoption of the Master Resolution amending the General Plan:
 - A. The proposed General Plan Amendment is consistent with the Tuolumne County General Plan.
 - B. The project site is suited to the uses permitted under the proposed land use designation.
 - C. It is in the public interest to amend the Tuolumne County General Plan to allow use of the project site which is consistent with the policies and programs of the General Plan and the land use patterns of the area surrounding the project site.
 - D. Amending the land use designation of the project site is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines*.
2. Community Development Department Staff recommends approval of Zone Change RZ22-011 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 Zone Change is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines*.

GENERAL INFORMATION

Site Description

1. The project site consists of two parcels totaling 8.99± acres located in the community of Twain Harte. APN 041-190-028, owned by Erin and Michael Schopfer, is a 0.91± acre parcel located at 19460 Middle Camp Sugar Pine Road. This parcel is currently developed with a single-family dwelling, septic system, and associated infrastructure. Public water is provided to the parcel by the Tuolumne Utilities District (TUD). APN 041-150-015, owned by Dorothy Moulthrop, is an 8.08± acre parcel located along South Fork Road. This parcel is currently vacant. Vegetation within the project site consists of incense cedar, white fir, and ponderosa pine. Elevations on the site ranges from approximately 4,350 feet above mean sea level along Middle Camp Sugar Pine Road to approximately 4,050 feet above mean sea level along South Fork Road. The site slopes downwards in the northern direction. Tables 1 and 2 below in this report show the existing site conditions and the conditions of the site following approval of the General Plan Amendment, Zone Change, and lot line adjustment.

SCHOPFER & MOULTRHOP

Table 1: Existing Site Conditions

APN	Owner Last Name	Zoning	General Plan	Size (gross acre)	Existing Development	Maximum Residential Density
041-190-028	Schopfer	R-1:MX	LDR	0.91	1 SFD, septic	1 SFD + 1 ADU
041-150-015	Moulthrop	RE-5:MX	ER	8.08	Vacant	1 SFD + 1 ADU

Table 2: Site Conditions Following Project Approval

Owner Last Name	Zoning	General Plan	Size (gross acres)	Existing Development	Maximum Residential density
Schopfer	RE-3:MX	ER	4.48	1 SFD, septic	1 SFD + 1 ADU
Moulthrop	RE-3:MX	ER	4.51	Vacant	1 SFD + 1 ADU

Project Description

- The project entails General Plan Amendment GPA22-002 to amend the General Plan land use designation of a 0.91± acre parcel from LDR to ER and to rezone 0.91± acre parcel (APN 041-190-028) from R-1:MX to RE-3: and to rezone an 8.08± acre parcel (APN 041-150-015) from RE-5:MX to RE-3:MX. The General Plan Amendment is only needed on APN 041-190-028 as the other parcel currently contains the ER General Plan land use designation. The General Plan Amendment and Zone Change are being requested to allow for a lot line adjustment to occur to adjust 3.57 acres from the Moulthrop parcel to the Schopfer parcel. The lot line adjustment is being reviewed under Exhibit Map T22-056 and will be handled by the Tuolumne County Surveyor at a later date. As indicated in Table 1 and 2 above in this report, the action would not result in an increased development potential of either parcel and there would be no increase in the number of parcels.

General Plan

- The project site contains the Estate Residential (ER) and Low Density Residential (LDR) General Plan land use designation. Following approval of the project, the entirety of the site would contain the ER designation. Table 1.3 of the Technical Background Report of the 2018 Tuolumne County General Plan indicates that the ER General Plan land use designation is compatible with the RE-3:MX zoning. Typical uses allowed in the ER designation include one single family dwelling per parcel, one secondary dwelling per parcel, agricultural uses, such as crop production and grazing, and public facilities. As indicated in Table 1 and Table 2 above in this report, the uses on site are consistent with the ER General Plan land use designations. Therefore, the proposed project is consistent with the Tuolumne County General Plan.

Ordinance Code

- The project site is currently zoned R-1:MX and RE-5:MX. Following approval of the General Plan Amendment and Zone Change, the entirety of the project site would be zoned RE-3:MX. The General Plan Amendment and Zone Change is proposed to facilitate a lot line adjustment Between APNs 041-190-028 and 041-150-015, pursuant to Section 17.06.035 of the TCOC.
- The purpose of the RE-3 zoning district is to provide areas where persons may enjoy country-estate type living while engaged in limited agricultural pursuits or maintaining livestock. Public services such as public water and sewer are not required in the RE-3 district. The project site is served by public water and private sewage disposal systems, which is consistent with the RE-3 zoning district. The minimum size of the RE-3 zoning district is three gross acres. Each parcel would meet the minimum size requirements following approval of the lot line adjustment.

6. In the RE-3 zoning, one primary single-family dwelling and one Accessory Dwelling Unit (ADU) less than 1,200 square feet in size are permitted. The resulting parcels would be consistent with this density, as indicated in Table 2 above in this report. The other uses on site would be consistent with the RE-3 zoning.
7. The :MX zoning district is intended to be combined with any principal zoning district in which the use of older mobile homes as residences on individual parcels would conflict with the aesthetic, social or economic development of any such principal zoning district. The :MX zoning provides additional regulations for the use of mobile homes. Any future proposed mobile homes would be required to comply with the :MX zoning contained in Chapter 17.48 of the TCOC.

Wildlife and Habitat

8. Vegetation on the site includes black oaks, incense cedar, ponderosa pines, and white fir. The Tuolumne County Wildlife Maps and the California Department of Forestry and Fire Protection (CalFire) Fire Resource and Protection (FRAP) Maps indicate that the project site contains the sierran mixed conifer (smc), ponderosa pine (ppn), and montane hardwood conifer (mhc) habitat types. The smc, ppn, and mhc habitats are considered third priority habitat, which are common habitats of considerable value to wildlife.
9. The California Natural Diversity Database (CNDDDB) was consulted for known locations of special status plant species and animal species. The CNDDDB indicates that the special status plant species the yellow lip pansy monkeyflower (*Diplacus pulchellus*) has been known to occur within the vicinity of the project site. Habitat for the yellow lip pansy monkeyflower consists of wet meadows, seeps, vernal wet depressions and run-off areas often in the ponderosa pine zone. These habitats were not identified within the project site.
10. No mitigation for cumulative impacts to wildlife are needed for the project. The project is not proposing any development and therefore no vegetation would be removed as a result of the project. The project consists of a General Plan Amendment and Zone Change to facilitate a Lot Line Adjustment. As indicated in the Ordinance Code Section above in this report, there would be no increase in the development potential of either parcel following the Lot Line Adjustment. There would be no increase in the number of parcels and no development s proposed. Therefore, there would be no impact to wildlife.

Cultural Resources

11. The Cultural Resource Database indicates that the Sugar Pine Railroad crossed the proposed project site. This railroad grade was previously studied and documented in a 1995 study prepared by Shelly Davis-King and in the 1989 Contextual History of the Sugar Pine Railroad. The studies did not include any mitigation or required protection of the railroad. Additionally, the project does not include any development. The project would not result in an increase in the number of parcels or in an increased development potential. There would be no impacts to the Sugar Pine Railroad. Any future development of the site would comply with Chapter 14.10 of the TCOC and impacts to cultural resources would be analyzed. Therefore, no cultural resource study or mitigation was required for the proposed project.

Adjoiner Comments

12. Property owners within 500 feet of the project site were notified of the project via mail on December 21, 2022. A total of 46 property owners were notified. One response from an adjoining property owner was received. The response letter indicated the following areas of concern:

Size of Parcels

The response indicated concern with the Schopfer parcel increasing in size. Following approval of the project, the Schopfer parcel would increase to 4.48± acres in size. This would be consistent with other parcels in the vicinity.

Property Values

The response indicated concern with property values increasing. Section 15064(e) of the California Environmental Quality Act states that economic and social changes resulting from a project shall not be treated as significant effects on the environment. Concerns expressed over the potential of this project to devalue nearby properties are considered a social or economic impact. Concerns about this issue may be raised during the public hearing process for this project when this project is heard by the Tuolumne County Planning Commission.

Removal of Trees

The letter indicated concern with the removal of trees on adjacent land owned by the US Forest Service. No trees will be removed on the project site as a result of the proposed project. The proposed project would not impact the removal of trees on land that is under the jurisdiction of the US Forest Service.

Agency Review

13. The application for General Plan Amendment GPA22-006 and Zone Change RZ22-011 was circulated to various State and County agencies. The Engineering Division of the Department of Public Works, the Tuolumne Band of Me-Wuk Indian Tribe, and the Central Sierra Environmental Resource Center (CSERC) responded and indicated that they have no comments or concerns with the proposed General Plan Amendment and Zone Change. The Tuolumne Utilities District provided a response which indicated the locations of water mains in the vicinity and indicated that APN 041-190-028 is currently provided water by TUD and has an active account. TUD indicated that there is no sewer service in the vicinity. The Tuolumne Heritage Committee, via Sharon Marovich, provided a response. The response indicated concern regarding the Sugar Pine Railroad. Please see the response under "Cultural Resources" above in this report. The letter requested Open Space and setbacks from the railroad grade. However, there would be no impact anticipated to the railroad grade from this project, as no construction or development is proposed.

Native American Consultation

14. Section 65352.3 of the Government Code requires city and county governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places during the processing of a General Plan Amendment. The intent of this law is to provide local tribes with an opportunity to participate in local land use decisions at an early planning stage in order to protect, or mitigate impacts to, cultural places. The county is required to notify tribes with traditional cultural places in the vicinity of the project site of the opportunity to consult regarding the proposed General Plan Amendment.
15. Letters offering the opportunity to consult were sent to each of the Tribes indicated by the Native American Heritage Commission on January 5, 2023. A second letter was mailed on February 14, 2023, approximately 45 days prior to consideration of the application by the Board of Supervisors. No requests for consultation were received. The Tuolumne Band of Me-Wuk Indians responded to the December 21, 2022 Stakeholder Notification Letter and indicated that they agree with the proposed project and have no further concerns or comments.

General Plan Amendment Findings

16. Evidence and Staff's response to each required finding of the General Plan Amendment application is discussed below.

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

Consistency with the Tuolumne County General Plan is discussed and demonstrated in #3 above in this report.

- B. *The project site is suited to the uses permitted under the proposed land use designation.*

The existing uses and site description is discussed in #1 above in this report. The existing uses are consistent with the ER land use designations. Please see #1 and #3 above in this report for additional information and analysis to support this finding.

- C. *It is in the public interest to amend the Tuolumne County General Plan to allow use of the project site which is consistent with the policies and programs of the General Plan and the land use patterns of the area surrounding the project site.*

Parcels located to the west of the project site contain the ER General Plan land use designation. APN 041-150-015 currently contains the ER General Plan land use designation. Please see Attachment 1 below for the existing land use designations of the project site and surrounding area.

- D. *Amending the land use designation of the project site is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines.*

Please see the Environmental Evaluation above in this report for evidence and analysis of the CEQA exemption under Section 15061(b)(3) of the *State CEQA Guidelines*.

Zone Change Findings

17. 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 Tuolumne County General Plan is discussed and demonstrated in #3 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 #4, #5, #6, and #7 above in this report.

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

The project site conditions, and existing uses are discussed in #1 above in this report. The proposed RE-3:MX zoning district has been determined to be appropriate for the site conditions and the existing uses on site. Please see #1, #5, #6, and #7 above in this report for additional information and evidence to support this finding.

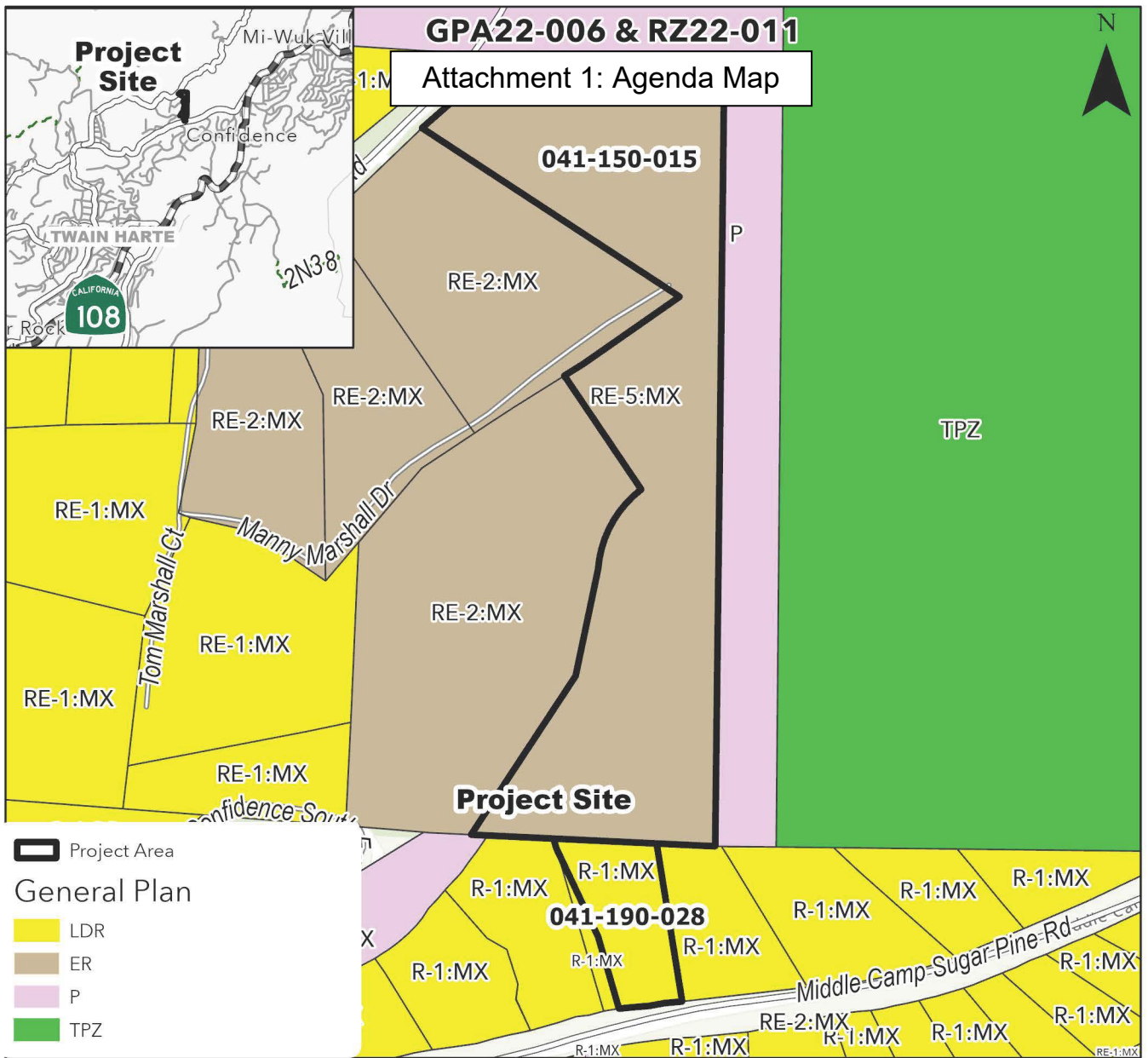
- D. *The Zone Change is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.*

SCHOPFER & MOULTRHOP

Please see the Environmental Evaluation above in this report for evidence and analysis of the CEQA exemption under Section 15061(b)(3) of the *State CEQA Guidelines*.

PREPARED BY: Natalie Rizzi, Senior Planner

S:\Planning\PROJECTS\General Plan Amendment\2022\GPA22-006 (RZ22-011) Schopfer and Moulthrop\Application Review\Agenda Report Schopfer and Moulthrop.doc



Project: GPA22-006 & RZ22-011

Owner Erin & Michael Schopfer

Applicant: Land and Structure

APN: 041-150-015 & 041-190-028

Acres: 0.91± acres, 8.08± acres

Current Zoning: R-1:MX, RE-5:MX

Current General Plan Designation: LDR, ER

Project Description: 1. Resolution for General Plan Amendment GPA22-006 to amend the General Plan land use designation of a 0.91± acre parcel from Low Density Residential (LDR) to Estate Residential (ER). 2. Ordinance for Zone Change RZ22-011 to rezone a 0.91± acre parcel (APN 041-190-028) from R-1:MX (Single Family Residential:Mobile Home Exclusion Combining) to RE-3:MX (Residential Estate, Three Acre Minimum:Mobile Home Exclusion Combining) and to rezone an 8.08± acre parcel (APN 041-150-015) from RE-5:MX (Residential Estate, Five Acre Minimum:Mobile Home Exclusion Combining) to RE-3:MX under Title 17 of the Tuolumne County Ordinance Code (TCOC).

OWNER & SITE INFORMATION

LOT 226B
OWNER: ERIN & MICHAEL SCHOPFER
P.O. BOX 123
MI WUK VILLAGE, CA 95346
(530) 913-1986
041-190-028
APN: 19460 MIDDLE CAMP SUGAR PINE RD, TWAIN HARTE, CA 95383-9627
SITE ADDRESS: ±0.91 ACRES
EXISTING LOT SIZE: DOC. # 2019000234
VESTING DEED: 48 PM 84
MAP OF RECORD: INDIVIDUAL SEPTIC SYSTEM
SEWER: TUOLUMNE UTILITIES DISTRICT
WATER: R-1:MX
EXISTING ZONING: RE-3:MX
PROPOSED ZONING: LDR
EXISTING GENERAL PLAN: ER
PROPOSED GENERAL PLAN:

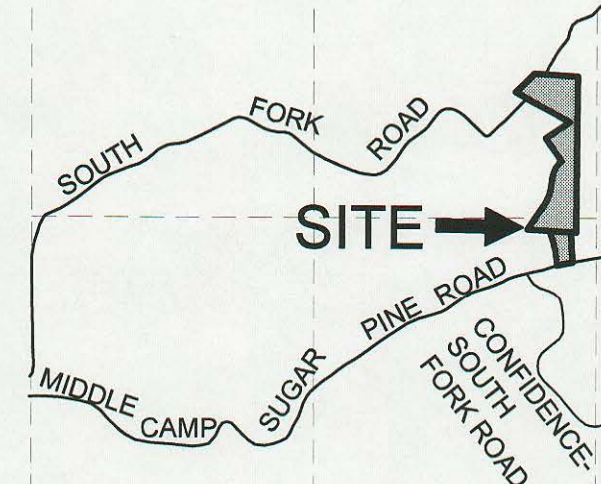
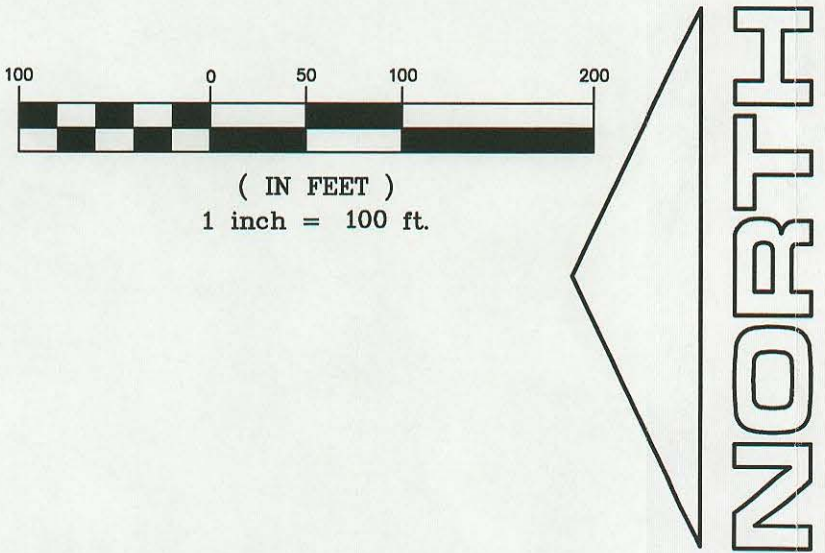
PARCEL D-3
OWNER: DOROTHY M. MOULTHROP
P.O. BOX 2020
TWAIN HARTE, CA 95383
(209) 586-5553
041-150-015
APN: VACANT LAND
SITE ADDRESS: ±8.08 ACRES
EXISTING LOT SIZE: DOC. # 2022010325
VESTING DEED: 38 R/S 41
MAP OF RECORD: INDIVIDUAL SEPTIC SYSTEM
SEWER: INDIVIDUAL PRIVATE WELL
WATER: RE-5:MX
EXISTING ZONING: RE-3:MX
PROPOSED ZONING: ER
GENERAL PLAN:

NOTES

- 1) - ALL BEARINGS AND DISTANCES SHOWN ARE RECORD UNLESS OTHERWISE NOTED.
- 2) - PRIOR TO COMMENCING ANY CONSTRUCTION ON THIS SITE IT IS ADVISED THAT ALL INVOLVED PARTIES REVIEW SECTION 8771 AND SECTION 8725 OF THE BUSINESS AND PROFESSION CODE, SECTION 605 OF THE CALIFORNIA STATE PENAL CODE AND SECTION 27581 OF THE GOVERNMENT CODE TO ENSURE THAT MONUMENT CONSERVATION HAS BEEN PROPERLY ADDRESSED.
- 3) - A GENERAL EASEMENT FOR THE PURPOSES OF ROAD MAINTENANCE NOT SHOWN ON 6 SUB 11 EXTENDS 5.00 FEET BACK FROM THE TOP OF CUTS AND BOTTOM OF FILLS ON ALL ROADS WITHIN LAKEWOOD PARK UNIT 3.
- 4) - COVENANTS, CONDITIONS & RESTRICTIONS EXIST PER BOOK 303 OF OFFICIAL RECORDS AT PAGE 426, TUOLUMNE COUNTY RECORDS.
- 5) - AN EASEMENT AS RESERVED IN THE UNITED STATE LAND PATENT VOLUME 46 DEEDS AT PAGE 114, TUOLUMNE COUNTY RECORDS FOR THE PROPRIETOR OF ANY VEIN OR LODGE TO EXTRACT ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE HEREIN DESCRIBED PROPERTY.
- 6) - THE MAIN LINE OF PICKERING RAILROAD RUNS ALONG THE SOUTHWESTERLY PORTION OF PARCEL D-3, 38 R/S 41, AND THEN CROSSES THE CENTRAL PORTION OF SAID PARCEL D-3.

LEGEND

- - RECORD POSITION OF 1" IRON PIPE OR 3/4" REBAR TAGGED L.S. 5287 PER 38 R/S 41
- ⊙ - RECORD POSITION OF 3/4" REBAR TAGGED L.S. 5808 SET PER 48 PM 85
- ▲ - RECORD POSITION OF 5/8" REBAR TAGGED L.S. 2308 PER 6 SUB 11
- - RECORD POSITION OF MONUMENT AS NOTED
- - CALCULATED POSITION ONLY NOTHING FOUND OR SET
- (M) - MEASURED
- (R1) - RECORD PER 38 R/S 41
- (R2) - RECORD PER 48 PM 84-85
- (R) - RADIAL BEARING
- - - - - SANITATION SETBACK LINE PER 6 SUB 11
- - - - - PUBLIC UTILITIES EASEMENT PER 6 SUB 11
- - - - - PROPERTY LINE TO BE REMOVED



VICINITY MAP

SEC. 4, T. 2 N., R. 16 E., M.D.M., N.T.S.



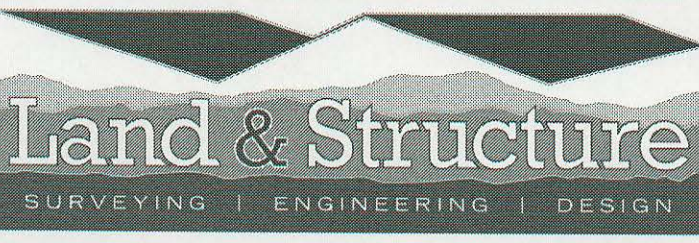
Richard H. James
RICHARD H. JAMES
P.L.S. 8550
12/5/2022
DATE

RECEIVED

DEC 06 2022

Community Development
Department

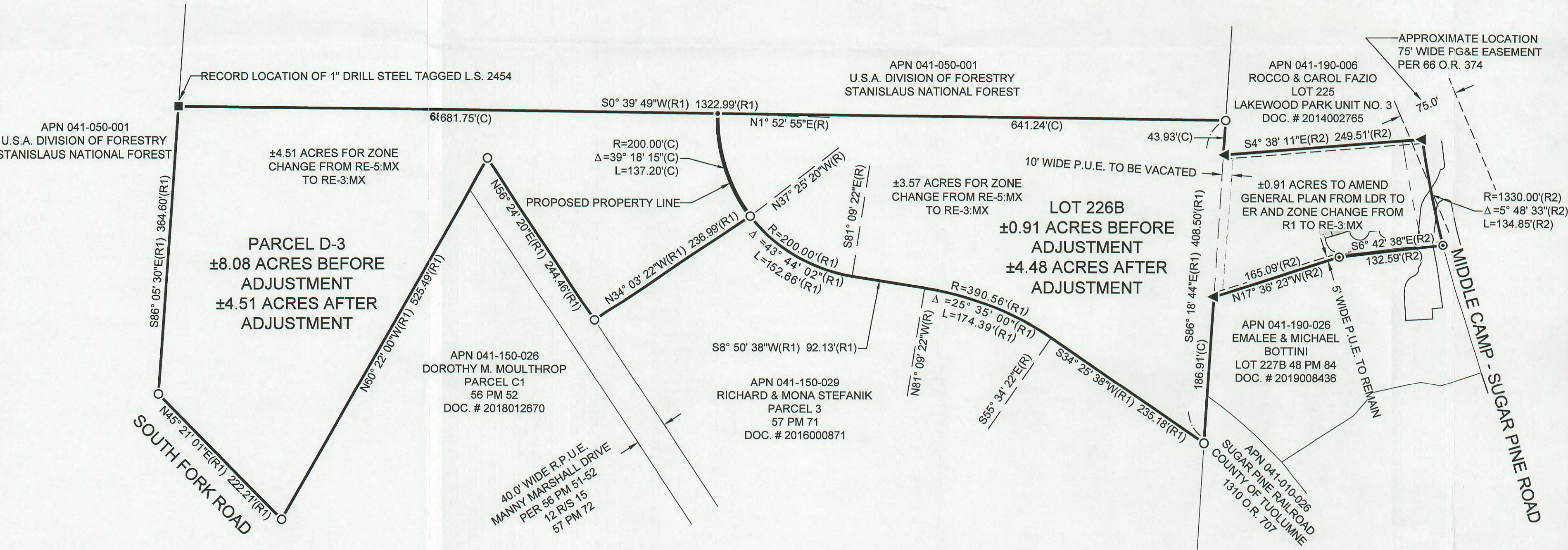
JOB NO.:	DRAWN BY:	DWG NAME:	DATE:
22-08.11	TAH	SCHOPFER	12/05/2022



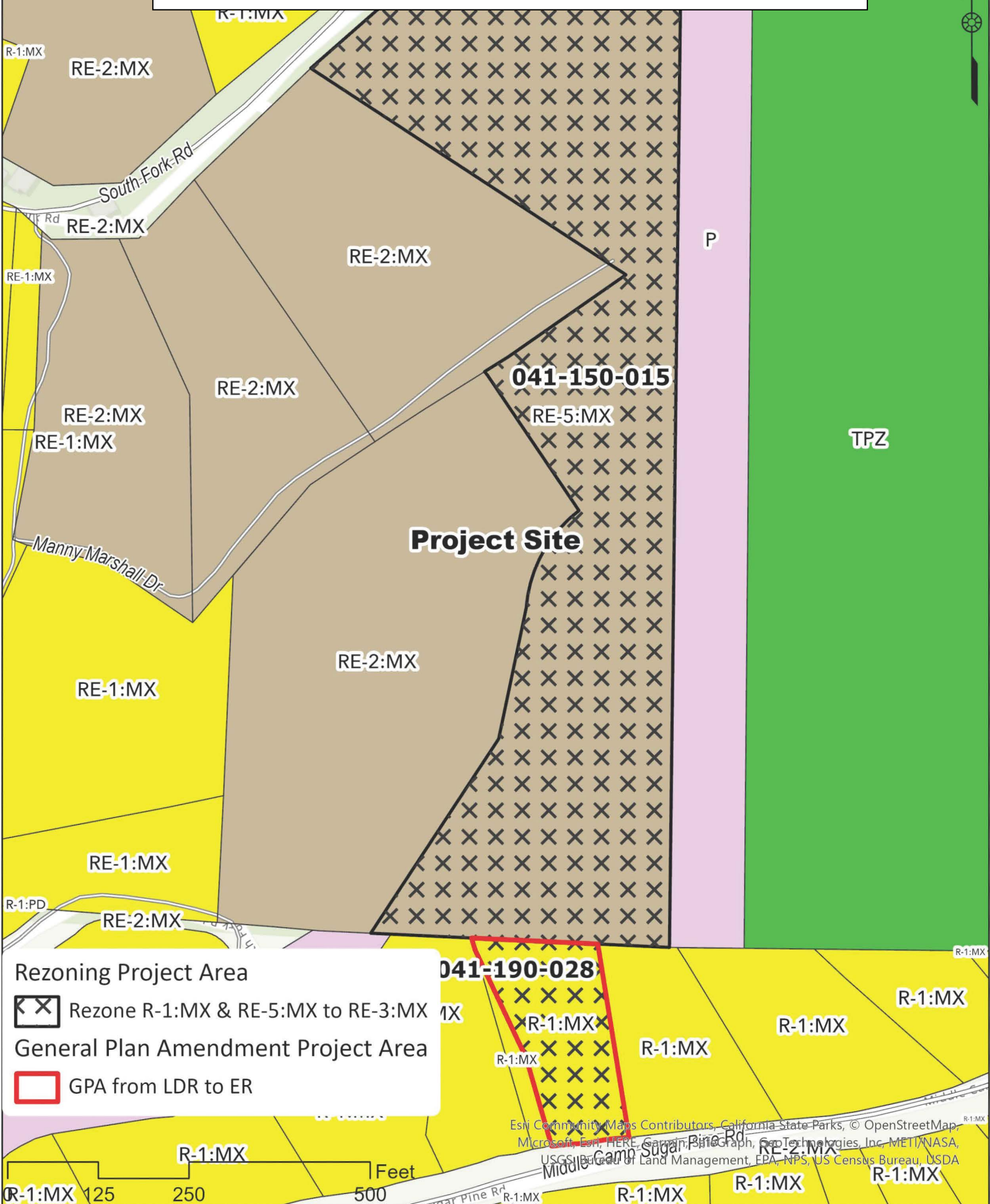
105 SOUTH STEWART STREET, SONORA, CA., 95370
T: 209.532.5173 F: 209.532.5220

EXHIBIT MAP, GENERAL
PLAN AMENDMENT &
ZONE CHANGE PLAT

BEING A LOT LINE ADJUSTMENT BETWEEN LOT 226B AS SHOWN IN BOOK 48 OF PARCEL MAPS AT PAGE 85 AND PARCEL D-3 AS SHOWN IN BOOK 38 RECORD OF SURVEYS AT PAGE 41, ALL ON FILE IN THE OFFICE OF THE TUOLUMNE COUNTY RECORDER, AND A GENERAL PLAN AMENDMENT OF LOT 226B, AND A ZONE CHANGE FOR ALL PARCELS, LYING WITHIN A PORTION OF THE EAST 1/2 OF SECTION 4, TOWNSHIP 2 NORTH, RANGE 16 EAST, MOUNT DIABLO MERIDIAN, IN THE COUNTY OF TUOLUMNE, STATE OF CALIFORNIA.



Attachment 3: General Plan Amendment and Zone Change Exhibit Map



Rezoning Project Area

Rezone R-1:MX & RE-5:MX to RE-3:MX

General Plan Amendment Project Area

GPA from LDR to ER



TUOLUMNE ME-WUK TRIBAL COUNCIL

Post Office Box 699
TUOLUMNE, CALIFORNIA 95379
Telephone (209) 928-5300
Fax (209) 928-1677

Natalie Rizzi
Tuolumne County Community Development Department
2 South Green Street
Sonora, California 95370

RE: General Plan Amendment GPA22-006 and Zone Change RZ22-011
Assessor's Parcel Number: 041-190-028 and 041-150-015

Dear Ms. Rizzi,

The Tribe is in receipt of your communication dated December 21, 2022, regarding the above referenced project. Upon reviewing said documentation the Tribe agrees with the proposed amendment and zone change for the above referenced parcels. We have no further concerns or comments currently.

Thank you for keeping us updated.

Best regards,

Kyle Cox

Cultural Resource Manager

kyle@mewuk.com

(209) 928-5300

RECEIVED

JAN 24 2023

Community Development
Department



TUOLUMNE UTILITIES DISTRICT

18885 Nugget Blvd. | Sonora, CA 95370

(209) 532-5536 | www.tudwater.com

January 10, 2022

Tuolumne County Community Development Department

Attn: Natalie Rizzi

2 S. Green St.

Sonora, CA 95370

RE: GPA22-006 RZ22-011

To Whom It May Concern:

The following is in response to your letter to advisory agencies dated December 21, 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 provision of water service to the project requires sufficient water supply, treatment, storage, and distribution facilities. The District will collect capacity fees based on the project's estimated water demands. Those fees are intended to reimburse the District for the value of the water supply, treatment, and storage 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 water system, are the responsibility of the project proponent.

Water Supply Capacity: South Fork Stanislaus River via Phoenix Lake - Adequate capacity exists.

Water Treatment Capacity: Upper Basin Water Treatment Plant - Adequate capacity exists.

Water Storage Capacity: Upper Basin Water Treatment Plant Clearwell- The project proponent must furnish information from the local fire authority regarding the required fire flow and duration before the District can determine if adequate storage capacity exists.

Water Pumping Capacity: Lakewood Pump Station - The project proponent must furnish information from the local fire authority regarding the required fire flow and duration before the District can determine if adequate pumping capacity exists.

Water Distribution Capacity: 10-inch and 6-inch District water mains are located in the Middlecamp-Sugar Pine Road right of way immediate South of APN: 041-190-028. A 4-inch District water main is located in the Confidence-Southfork Road right of way approximately 200' West of APN: 041-150-015. APN: 041-190-028 is currently served by a water service of unknown size with an active utility billing account.

The Project proponent must furnish information from the local fire authority regarding the required fire flow and duration before the District can determine if the existing distribution system has adequate capacity to meet the project needs.

SEWER SYSTEM INFORMATION and CAPACITY

The District does not provide sewer service to the project area. The project site may be located within the service area of the Twain Harte Community Services District.

Sewer Collection Capacity: Not Applicable.

Sewer Pumping Capacity: Not Applicable.

Sewer Treatment Capacity: Not Applicable.

Sewer Disposal Capacity: Not Applicable.

CONDITIONS OF SERVICE:

Water

1. Water Service(s): The project proponent would be required to cover any costs associated with adding, relocating and/or upsizing water facilities/services required to serve to development including abandonment of water facilities/services not utilized by the project.
2. Water Main Extension: Water service to APN: 041-150-015 would require extension of a public water main. An agreement with the District would stipulate the terms and conditions by which the project proponent would construct, and the District would accept ownership of and the responsibility to operate and maintain the improvements.

Sewer

3. Not Applicable

General

10. Water and Sewer Capacity Charges: Prior to service by the District, the project proponent would be required to pay all applicable fees and charges for any new uses exceeding the existing single-family residence at APN: 041-190-028. 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. The 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.

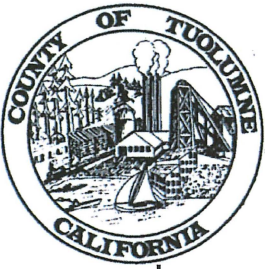
Regards,



Antonio J. Ramirez

Engineering Services Technician

(209) 532-5536 Ext. 511



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

ADMINISTRATION

Assistant to the
Department Head
Emma Hawks
209.694.2718

AIRPORTS

Airports Manager
Benedict Stuth
209.533.5685

BUSINESS

Business Manager
Janelle Kostlivy
209.533.5972

ENGINEERING

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

FLEET SERVICES

Fleet Services Manager
Mike Young
209.536.1622

GEOGRAPHIC INFORMATION SYSTEMS

GIS Coordinator
Madeline Amlin
209.533.6592

ROAD OPERATIONS

Road Superintendent
Mike Cognito
209.533.5609

SOLID WASTE

209.533.5588

SURVEYING

County Surveyor
Warren Smith, L.S.
209.533.5626

Date: December 21, 2022

To: Natalie Rizzi, Senior Planner

From: Blossom Scott-Heim, P.E., Supervising Engineer
Juan Maya, Engineer I *JM*

Re: GPA22-006 and RZ22-011, Schopfer and Moulthrop
APN 041-190-028 and APN 041-150-015

This application consists of a General Plan Amendment (GPA22-006) to change the land use designation of a 0.91± acre parcel (APN 041-190-028) from Low Density Residential (LDR) to Estate Residential (ER). The application also contains an ordinance for Zone Change (RZ22-011) to rezone a 0.91± acre parcel (APN 041-190-028) from R-1:MX (Single Family Residential:Mobile Home Exclusion Combining) to RE-3:MX (Residential Estate, Three Acre Minimum:Mobile Home Exclusion Combining) and to rezone an 8.08± acre parcel (APN 041-150-015) from RE-5:MX (Residential Estate, Five Acre Minimum:Mobile Home Exclusion Combining) to RE-3:MX under Title 17 of the Tuolumne County Ordinance Code

The GPA22-006 and RZ22-011 exhibit map submitted states that Parcel D-3 will be served by private water and sewer utilities via well and septic system while Lot 226B will be served by private septic system and Tuolumne Utility District (TUD) water service. Current TUD mapping confirmed one water service for Lot 226B.

The Department of Public Works has no comment on the proposed General Plan Amendment or Zone Change items at this time.

2. There would be no increase in the number of parcels or increase in the residential development potential. No development is proposed.

Please return your comments to the CDD by **January 6, 2023**. Comments may be emailed to Natalie Rizzi, nrizzi@co.tuolumne.ca.us Comments may also be mailed to: 2 South Green Street, Sonora, CA 95370 or brought to the Community Development Department during normal business hours.

Staff Contact: Natalie Rizzi
Phone: (209) 533-5936
Email: nrizzi@co.tuolumne.ca.us

RECEIVED

JAN 04 2023

AGENCY: Tuolumne Heritage Committee

COMMENTS: The Sugar Pine Railroad right-of-way crosses this property. It is a cultural resource. The map shows it is owned by the "County of Tuolumne."

Please require major construction setbacks along the grade and open space.

The grade is a significant recreational resource as well as a swath of open space. It should not be encroached upon visually or in reality.

Please utilize the following link to sign up and receive future agenda notices that may include the above-mentioned project:

<https://www.tuolumnecounty.ca.gov/list.aspx>.

Planning Stakeholder Notification letters are now posted at the following link:
<https://www.tuolumnecounty.ca.gov/1512/Planning-Stakeholder-Notifications>

All property owners within 500 feet of the proposed project will be notified of future public hearings. Please note that all comments that are submitted are part of the public record for the project.

Signed by: Sham Maroud

Agency: Tuolumne Heritage Committee

Date: 12/27/22



Central Sierra Environmental Resource Center
Box 396, Twain Harte, CA 95383 • (209) 586-7440 • fax (209) 586-4986
Visit our website at: www.cserc.org or contact us at: johnb@cserc.org

December 29, 2022

Natalie Rizzi, Quincy Yaley
Community Development Department
2 South Green Street
Sonora, CA 95370

To Natalie and Quincy:

Our staff has reviewed the stakeholder notification materials for the Shcopfer and Moulthrop application for a General Plan Amendment and Zone Change to allow a lot line adjustment for two parcels.

Given that there would be no increase in the number of parcels or any increase in the potential for new residential development, our Center sees no issues of concern with the proposed application. We support the request as currently presented.

A handwritten signature in black ink that reads "John Buckley".

Executive Director

2. There would be no increase in the number of parcels or increase in the residential development potential. No development is proposed.

Please return your comments to the CDD by **January 6, 2023**. Comments may be emailed to Natalie Rizzi, nrizzi@co.tuolumne.ca.us Comments may also be mailed to: 2 South Green Street, Sonora, CA 95370 or brought to the Community Development Department during normal business hours.

Staff Contact: Natalie Rizzi

Phone: (209) 533-5936

Email: nrizzi@co.tuolumne.ca.us

RECEIVED

JAN 09 2023

Community Development
Department

⇒ AGENCY: Property owner SW to the parcel touching South Fork Road

COMMENTS: Our property line is the boundary of the National Forest. Our water source is a horizontal well dug to supply water to a homestead, orchard, mill and mining downhill from that well. When the road was moved uphill, the water then supplied properties along the county road. These properties are small and have housed local families since the early 1940's. Such is my property. Four easements cross the property: county road, TUD water ditch, electric power line, and telephone line.

My concern is the potential impact of an imposing large property plots next to the small property plots! When I bought my sister's portion of our property, my taxes went up! I pay taxes for the property on which the four easements exists, even though I have limited control over that land. Now, when large estate property becomes my neighbor, will my taxes also go up?

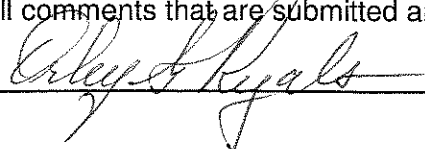
A second concern is that of the destruction of trees around my property on the forest service land. The winds passing over our property do funny things with tree tops. Normal winds reaching ground are restricted by a healthy forest. When those trees are cut-down, the winds circle downward toward the ground knocking out tree tops along the edge of those open spaces.

Please utilize the following link to sign up and receive future agenda notices that may include the above-mentioned project:

<https://www.tuolumnecounty.ca.gov/list.aspx> .

Planning Stakeholder Notification letters are now posted at the following link:
<https://www.tuolumnecounty.ca.gov/1512/Planning-Stakeholder-Notifications>

All property owners within 500 feet of the proposed project will be notified of future public hearings. Please note that all comments that are submitted are part of the public record for the project.

Signed by: 

Agency: _____

Date: 1/4/2023

VACCAREZZA

DATE: February 16, 2023

SURFACE/MINERAL

RIGHTS OWNER: Dana and Steven Vaccarezza
209-559-4894

APPLICANT: Land and Structure
209-532-5173

PROJECT AND LOCATION

PROJECT DESCRIPTION:

1. Resolution for General Plan Amendment GPA22-002 to amend the General Plan land use designation of a 0.84± acre portion of a 10.23± acre parcel from Rural Residential (RR) to Homestead Residential (HR).
2. Ordinance for Zone Change RZ22-008 to rezone a 0.84± acre portion of a 10.23± acre parcel from RE-5 (Residential Estate, Five Acre Minimum) to RE-3 (Residential Estate, Three Acre Minimum) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

LOCATION: The project site is located at 10144 Bell Mooney Road in the community of Jamestown, approximately 900± feet west of the intersection of Jacksonville Road and Bell Mooney Road. The project site is located within a portion of Section 15, Township 1 North, Range 14 East, Mount Diablo Baseline and Meridian and within Supervisorial District 5. Assessor's Parcel Number 059-080-087.

GENERAL PLAN: The project site is designated Rural Residential (RR) by the 2018 Tuolumne County General Plan. The RE-5 zoning district is compatible with the RR General Plan 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. The General Plan Amendment and Zone Change of a 0.84± acre portion of the site are proposed to facilitate a resubdivision to adjust property lines between two legal parcels. The resubdivision is a ministerial project as defined in Section 15369 of the *State CEQA Guidelines*. Ministerial projects are statutorily exempt from review under CEQA pursuant to Section 15268 of the *State CEQA Guidelines*. The proposed project would not increase the number of legal parcels or increase the potential residential density potential. The project is not proposing any development and would not allow changes in land use of either parcel involved in the resubdivision.

RECOMMENDATION

1. Community Development Department Staff recommends approval of General Plan Amendment GPA22-002 based upon the following findings and contingent upon adoption of the Master Resolution amending the General Plan:

VACCAREZZA

- A. The proposed General Plan Amendment is consistent with the Tuolumne County General Plan.
 - B. The project site is suited to the uses permitted under the proposed land use designation.
 - C. It is in the public interest to amend the Tuolumne County General Plan to allow use of the project site which is consistent with the policies and programs of the General Plan and the land use patterns of the area surrounding the project site.
 - D. Amending the land use designation of the project site is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines*.
2. Community Development Department Staff recommends approval of Zone Change RZ21-008 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 Zone Change is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines*.

GENERAL INFORMATION

Site Description

1. The project site consists of a 10.23± acre parcel located at 10144 Bell Mooney Road in the community of Jamestown. The General Plan Amendment and Zone Change are proposed to allow for a lot line adjustment with the project site (APN 059-080-087) and an adjacent parcel (APN 059-080-006). No General Plan Amendment or Zone Change is proposed for APN 059-080-006, so this parcel is not considered part of the project site. APN 059-080-006 is a 3.14-acre parcel zoned RE-3 located at 10141 Bell Mooney Road, directly north of the project site. Table 1 and 2 below show the existing site conditions and conditions of both parcels following approval of the project and lot line adjustment. The area proposed for the General Plan Amendment and Zone Change is the area of APN 059-080-087 that is located north of Bell Mooney Road. The project site is located within the area that is subject to the Jamestown Community Plan in Volume III of the 2018 General Plan.

Table 1: Existing Site Conditions

APN	Owner Last Name	Zoning	General Plan	Size (gross acre)	Existing Development	Maximum Residential Density
059-080-006	Stinson	RE-3	HR	3.14	SFD, well, septic	1 SFD + 1 ADU
059-080-087	Vaccarezza	RE-5	RR	10.23	SFD, well, septic	1 SFD + 1 ADU

VACCAREZZA

Table 2: Site Conditions Following Project Approval

APN	Owner Last Name	Zoning	General Plan	Size (gross acres)	Maximum Residential density
059-080-006	Stinson	RE-3	HR	3.98	1 SFD + 1 ADU
059-080-087	Vaccarezza	RE-5	RR	9.39	1 SFD + 1 ADU

Project Description

- The project entails General Plan Amendment GPA22-002 to amend the General Plan land use designation of a 0.84± acre portion of Assessor's Parcel Number 059-080-087 from RR to HR and Zone Change RZ22-002 to rezone that 0.84± acre portion from RE-5 to RE-3. The General Plan Amendment and Zone Change are required to adjust the 0.84± acres from APN 059-080-087 to adjacent APN 059-080-006. The Lot Line Adjustment is being reviewed under the submission of Exhibit Map T22-042 and will be handled by the Tuolumne County Surveyor at a later date. The Lot Line Adjustment would put the Bell Mooney Road easement centerline as the property boundary between the two parcels. See Table 1 and Table 2 above to see the before and after conditions of the proposed General Plan Amendment, Zone Change, and lot line adjustment.

General Plan

- The project site contains the Rural Residential (RR) General Plan land use designation. The application proposes to amend the General Plan land use designation of a 0.84± acre portion to Homestead Residential (HR) to facilitate a lot line adjustment. Following approval of the Lot Line Adjustment, the Vaccarezza Parcel would fully contain the RR General Plan land use designation and RE-5 zoning and the Stinson Parcel would fully contain the HR General Plan land use designation and RE-3 zoning. Table 1.3 of the Technical Background Report of the 2018 Tuolumne County General Plan indicates that the HR General Plan land use designation is compatible with the RE-3 zoning district and the RR designation is compatible with the RE-5 zoning district. As indicated in Table 1 and Table 2 above in this report, the uses on site are consistent with the HR and RR General Plan land use designations. Therefore, the proposed project is consistent with the Tuolumne County General Plan.

Jamestown Community Plan

- The project site is located within the area that is subject to the Jamestown Community Plan as indicated in Volume III of the 2018 Tuolumne County General Plan. Many of the goals, policies, and implementation programs are centered around development projects and do not apply to the current project. Additionally, because the project site does not contain the :D (Design Control Combining), :H (Historic Combining), or :HDP (Historic Design Preservation Combining) zoning districts the project site is not subject to the Jamestown Design Guidelines or many of the goals, policies, and implementation programs of the Jamestown Community Plan. However, the following goals, policies, and implementation programs of the Jamestown Community Plan pertain to this project.

Policy JT-A.1: Maintain the existing rural character of the Jamestown Community by preserving the mixture of urban and non-urban land uses found in the area.

Implementation Program JT-C.a: Designate adequate areas on the land use diagrams in the Jamestown Community Plan boundaries to provide for a variety of housing densities and types to meet the housing needs of the Jamestown community.

VACCAREZZA

The project site contains the RR General Plan land use designation and proposes to amend 0.84± acre to the HR General Plan land use designation. Both of these General Plan designations provide for rural lifestyles and provide a buffer between urban and agricultural designations. Both of these designations provide for less dense residential development.

Ordinance Code

5. The project site is currently zoned RE-5. A 0.84± acre portion of the project site is proposed to be rezoned to RE-3. The rezone is required to facilitate a lot line adjustment Between APNs 059-080-087 and 059-080-006, pursuant to Section 17.06.035 of the TCOC.
6. The purpose of the RE-3 and RE-5 zoning districts is to provide areas where persons may enjoy country-estate type living while engaged in limited agricultural pursuits or maintaining livestock. Public services such as public water and sewer are not required in the RE-3 or RE-5 district. The project site is served with a private well and private sewage disposal system. Therefore, the project is consistent with the purpose of the RE-3 and RE-5 zoning districts.
7. The minimum size of the RE-3 zoning district is three gross acres and the minimum parcel size in the RE-5 zoning is five gross acres. Each parcel would meet the minimum size requirements.

Wildlife and Habitat

8. Vegetation on the site includes blue oaks, live oaks, and annual grasses. The Tuolumne County Wildlife Maps indicate that the project site contains the blue oak pine (bop) and annual grassland (ags) habitat types. The bop habitat is considered a third priority habitat, which are common habitats of considerable value to wildlife. The ags habitat is considered a fourth priority habitat. Fourth priority habitats are areas of relatively low value to wildlife where most uses would be allowed within the rsp habitat without wildlife mitigation.
9. 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.
10. No mitigation for cumulative impacts to wildlife are needed for the project. The project is not proposing any development and therefore no vegetation would be removed as a result of the project. The project consists of a General Plan Amendment and Zone Change to facilitate a Lot Line Adjustment to adjust a 0.84± acre portion from APN 059-080-087 to APN 059-080-006. As indicated in the Ordinance Code Section above in this report, there would be no increase in the development potential of either parcel following the Lot Line Adjustment. Therefore, there would be no impact to wildlife.

Cultural Resources

11. No cultural resource indicators as contained in Chapter 14.10 of the TCOC were found on the project site during site inspections by staff or search of the Tuolumne County cultural resource database. Portions of the site were included in previous cultural studies and no resources were identified. Therefore, a cultural resource study was not required for the proposed project.

Adjoiner Comments

12. Property owners within 1000 feet of the project site were notified of the project via mail on September 1, 2022. A total of 32 property owners were notified. No responses were received by the Community Development Department.

Public Agency Review

13. The application for General Plan Amendment GPA22-002 and Zone Change RZ22-008 was circulated to various State and County agencies. The Tuolumne County Fire Prevention Division, Tuolumne County Air Pollution Control District, the Engineering Division of the Department of Public Works, and the Tuolumne Band of Me-Wuk Indian Tribe response that they have no comments or concerns with the proposed General Plan Amendment and Zone Change. The California Department of Transportation (Caltrans) provided comments on the project. Their comments are summarized and addressed below. No other comments or responses from advisory agencies were received.

California Department of Transportation (Caltrans)

Caltrans reviewed the project and indicated that any activities that encroach into the Caltrans right-of-way would require an Encroachment Permit from their office. Caltrans recommended the County continue to coordinate with Caltrans from projects and other development.

Native American Consultation

14. Section 65352.3 of the Government Code requires city and county governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places during the processing of a General Plan Amendment. The intent of this law is to provide local tribes with an opportunity to participate in local land use decisions at an early planning stage in order to protect, or mitigate impacts to, cultural places. The county is required to notify tribes with traditional cultural places in the vicinity of the project site of the opportunity to consult regarding the proposed General Plan Amendment.
15. Letters offering the opportunity to consult were sent to each of the Tribes indicated by the Native American Heritage Commission on November 9, 2022. A second letter was mailed on February 14, 2023, approximately 45 days prior to consideration of the application by the Board of Supervisors. No requests for consultation were received. The Tuolumne Band of Me-Wuk Indian Tribe responded to the September 1, 2022 Stakeholder Notification and indicated that they had no comments or concerns with the project.

General Plan Amendment Findings

16. Evidence and Staff's response to each required finding of the General Plan Amendment application is discussed below.
 - A. *The proposed General Plan Amendment is consistent with the Tuolumne County General Plan.*

Consistency with the Tuolumne County General Plan is discussed and demonstrated in #3 and #4 above in this report.
 - B. *The project site is suited to the uses permitted under the proposed land use designation.*

VACCAREZZA

The existing uses and site description is discussed in #1 above in this report. The existing uses are consistent with the RR and HR land use designations. Please see #1 and #3 above in this report for additional information and analysis to support this finding.

- C. *It is in the public interest to amend the Tuolumne County General Plan to allow use of the project site which is consistent with the policies and programs of the General Plan and the land use patterns of the area surrounding the project site.*

Parcels located to the east and west of the project site contain the HR General Plan land use designation. APN 0589-080-006 currently contains the HR General Plan land use designation and will be receiving the 0.84± acre portion proposed to be amended. Please see Attachment 1 below for the existing land use designations of the project site and surrounding area.

- D. *Amending the land use designation of the project site is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines.*

Please see the Environmental Evaluation above in this report for evidence and analysis of the CEQA exemption under Section 15061(b)(3) of the *State CEQA Guidelines*.

Zone Change Findings

17. 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 Tuolumne County General Plan is discussed and demonstrated in #3 and #4 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 ##5, #6, and #7 above in this report.

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

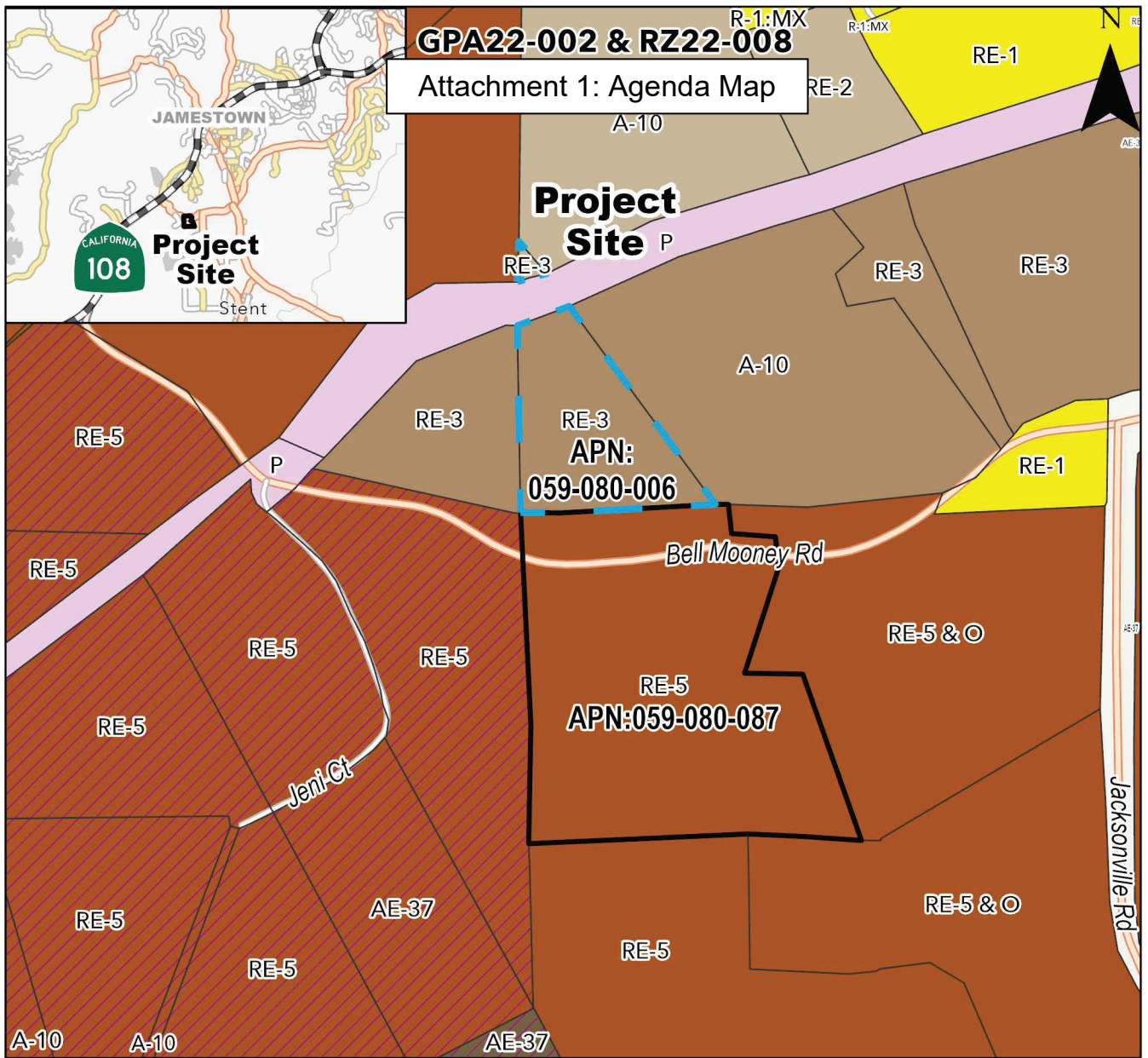
The project site conditions and existing uses are discussed in #1 above in this report. The proposed RE-3 zoning district has been determined to appropriate for the site conditions and the existing uses on site. Please see #1, #6, and #7 above in this report for additional information and evidence.

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

Please see the Environmental Evaluation above in this report for evidence and analysis of the CEQA exemption under Section 15061(b)(3) of the *State CEQA Guidelines*.

PREPARED BY: Natalie Rizzi, Senior Planner

S:\Planning\PROJECTS\General Plan Amendment\2022\GPA22-002 (RZ22-008) Vaccarezza\Application Review\Agenda Report Vaccarezza.doc



Project: GPA22-002 & RZ22-008

Owner: Dana and Steven Vaccarezza

Applicant: Land & Structure

APN: 059-080-087

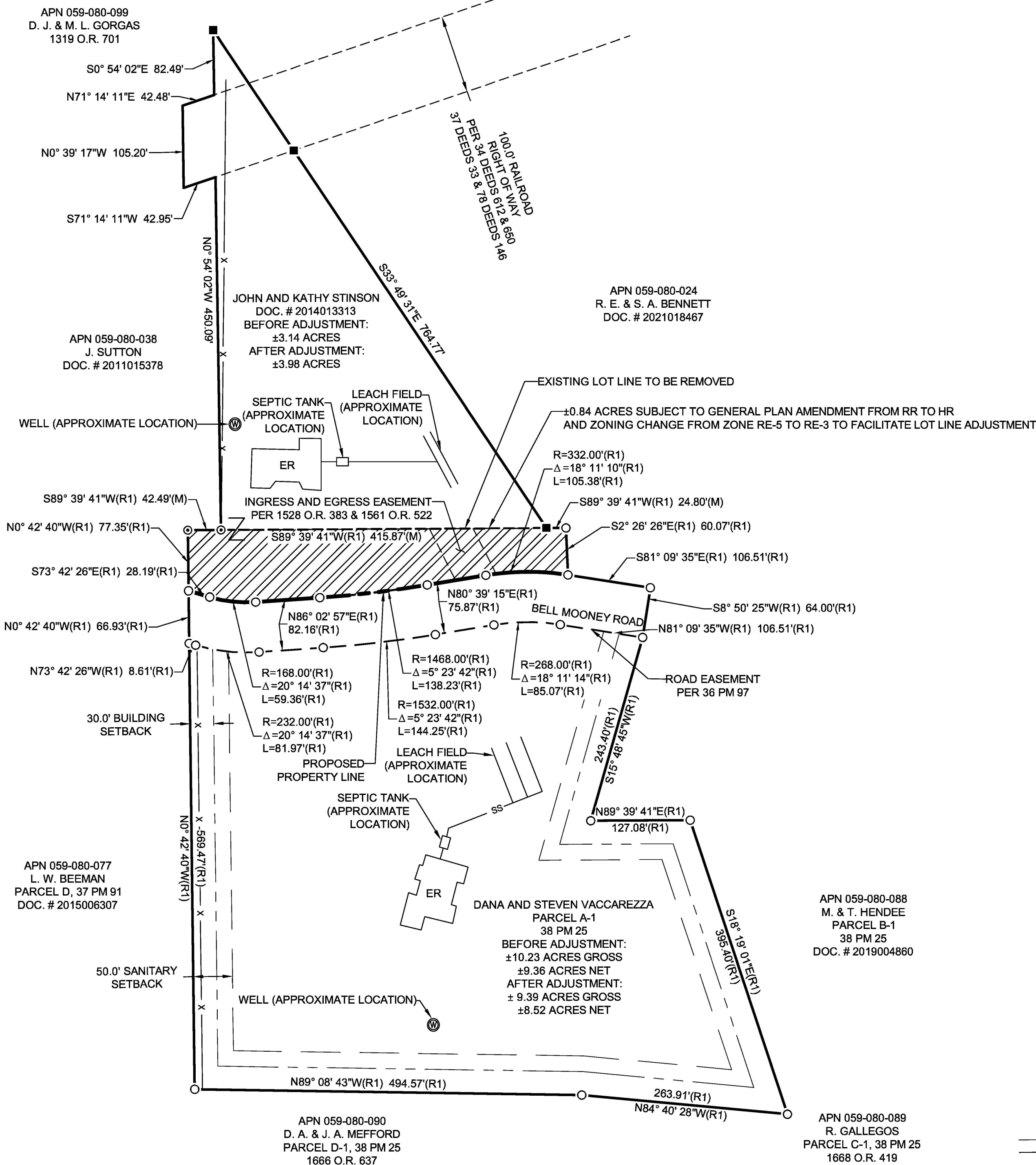
Acres: 10.23± acres

Current Zoning: RE-5

Current General Plan Designation: RR

Project Description: 1. Resolution for General Plan Amendment GPA22-002 to amend the General Plan land use designation of a 0.84± acre portion of a 10.23± acre parcel from Rural Residential (RR) to Homestead Residential (HR). 2. Ordinance for Zone Change RZ22-008 to rezone a 0.84± acre portion of a 10.23± acre parcel from RE-5 (Residential Estate, Five Acre Minimum) to RE-3 (Residential Estate, Three Acre Minimum) under Title 17 of the Tuolumne County Ordinance Code





OWNER & SITE INFORMATION

PARCEL-A1

OWNERS: DANA AND STEVEN VACCAREZZA
MAILING ADDRESS: 10144 BELL MOONEY RD.
JAMESTOWN CA 95327
TELEPHONE NUMBER: (209) 559-4894
APN: 059-080-087
SITE ADDRESS: 10144 BELL MOONEY RD.
JAMESTOWN CA 95327
EXISTING LOT SIZE: ±9.360 ACRES
VESTING DEED: DOC. # 2020009073
MAP OF RECORD: 38 PM 25
SEWER: PRIVATE SEPTIC
WATER: PRIVATE WELL
EXISTING ZONING: RE-5
GENERAL PLAN: RR

TAKIS PARCEL

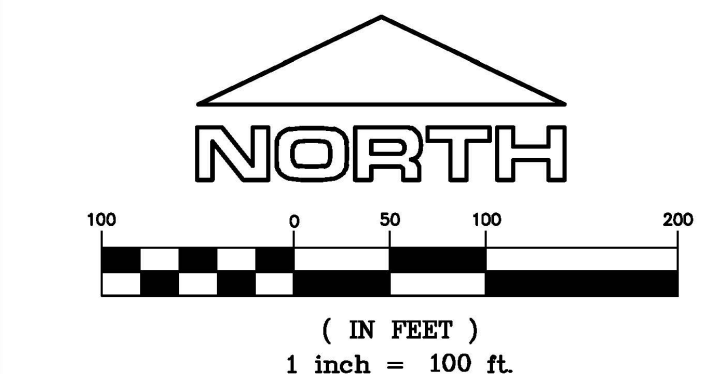
OWNERS: JOHN W AND KATHY R STINSON
MAILING ADDRESS: PO BOX 3132
SONORA CA 95370
TELEPHONE NUMBER: (209) 454-8106
APN: 059-080-006
SITE ADDRESS: 10141 BELL MOONEY RD.
JAMESTOWN CA 95327
EXISTING LOT SIZE: ±2.0 ACRES
VESTING DEED: DOC. # 2014005346
MAP OF RECORD: 42 RS 01
SEWER: PRIVATE SEPTIC
WATER: PRIVATE WELL
EXISTING ZONING: RE-3
GENERAL PLAN: HR

NOTES

- ALL BEARING AND DISTANCES ARE RECORD, UNLESS OTHERWISE NOTED.
- 30.0' BUILDING SETBACK FROM ALL PROPERTY LINES PER TUOLUMNE COUNTY ORDINANCE CODE 15.20.060
- 50.0' SANITARY SETBACK LINES FROM ALL PROPERTY LINES PER PM 38-25
- EASEMENTS EXIST TO EXTRACT OR REMOVE ORE PER VOLUME 21 OF DEEDS PAGES 76 AND 158

LEGEND

- -RECORD LOCATION OF 5/8" STEEL BAR TAGGED L.S. 5339 PER 42 R/S 01
- -RECORD OF 3/4" IRON PIPE WITH BRASS TAG STAMPED L.S. 3334 PER 38 PM 25
- ⊙ -RECORD OF 3/4" IRON PIPE TAGGED L.S. 3159 PER 6 R/S 7
- -CALCULATED MONUMENT PER 38 PM 25
- (M) -MEASURED PER THIS SURVEY
- (R1) -RECORD DATA PER 38 PM 25
- (R2) -RECORD DATA PER 42 R/S 01
- ▨ -AREA SUBJECT TO GENERAL PLAN AMENDMENT AND ZONE CHANGE
- x --- -SETBACKS PER 38 PM 25
- -FENCES PER 38 PM 25
- -ROAD AND RAILROAD EASEMENT PER 42 RS 01 AND 38 PM 25



JOB NO.: 22-04.17	DRAWN BY: JAT	DWG NAME: LLA	DATE: 08/09/2022
-------------------	---------------	---------------	------------------



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

EXHIBIT MAP GENERAL PLAN AMENDMENT & ZONE CHANGE PLAT

BEING A LOT LINE ADJUSTMENT, GENERAL PLAN AMENDMENT AND ZONE CHANGE BETWEEN PARCEL A-1 AS SHOWN IN VOLUME 38 OF PARCEL MAPS AT PAGE 25 AND THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DOCUMENT NUMBER 2014013313, ALL ON FILE IN THE OFFICE OF THE TUOLUMNE COUNTY RECORDER, LYING WITHIN PORTIONS OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 14 EAST, MOUNT DIABLO MERIDIAN, IN THE UNINCORPORATED AREA OF TUOLUMNE COUNTY, STATE OF CALIFORNIA.

RR

Attachment 3: General Plan Amendment Exhibit Map

P

HR

**Project
Site**

APN:059-080-006

LDR

Bell Mooney Rd

MPZ

APN:059-080-087

RR

Proposed General
Plan Amendment

 RR to HR

 Project Area

General Plan

 LDR

 ER

 HR

 RR

 P

General Plan Overlay
Designations

 MPZ

0 125 250 500 Feet

GPA22-002 (RZ22-008)

Exhibit A

Attachment 4: Zone Change Exhibit Map

Project Site

RE-3

APN:059-080-006

1

RE-3

0.84± Acres
See Desc. 1

RE-5

APN:059-080-087

Bell Mooney Rd

Points of Beginning

1 - Proposed Rezone to RE-3

Project Area

Point of Beginning

Proposed Rezone

Proposed Rezone from
RE-5 to RE-3

N



0 155 310 620 Feet



TUOLUMNE ME-WUK TRIBAL COUNCIL

Post Office Box 699

TUOLUMNE, CALIFORNIA 95379

Telephone (209) 928-5300

Fax (209) 928-1677

October 10, 2022

Natalie Rizzi

Tuolumne County Community Development Department

2 South Green Street

Sonora, California 95370

RE: General Plan Amendment GPA22-002 and Zone Change RZ22-008

Assessor's Parcel Number: 059-080-087

Dear Ms. Rizzi,

The Tribe is in receipt of your communication dated September 1, 2022, regarding the above referenced project. Upon reviewing said documentation the Tribe agrees with the proposed amendments and zone change for the above referenced parcel. We have no further concerns or comments currently.

Thank you for keeping us updated.

Best regards,

Kyle Cox

Cultural Resource Manager

(209) 928-5300

RECEIVED

OCT 17 2022

Community Development
Department

Staff Contact: Natalie Rizzi
Phone: (209) 533-5936
Email: nrizzi@co.tuolumne.ca.us

AGENCY: TCFD

COMMENTS: None as proposed.

All property owners within 1000 feet of the proposed project will be notified of future public hearings.
Please note that all comments that are submitted are part of the public record for the project.

Signed by: S. Lopez

Agency: TCFD

Date: 9-13-22



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: September 7, 2022

To: Natalie Rizzi, Senior Planner

From: Blossom Scott-Heim, P.E., Supervising Engineer *BSH*
Dave Ruby, Planning Manager *DR*

Re: GPA22-002 and RZ22-008, Vaccarezza
APN 059-080-087
10144 Bell Mooney Road, Jamestown

ADMINISTRATION

Assistant to the
Department Head
Emma Hawks
209.694.2718

AIRPORTS

Airports Manager
Benedict Stuth
209.533.5685

BUSINESS

Business Manager
Janelle Kostlivy
209.533.5972

ENGINEERING

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

FLEET SERVICES

Fleet Services Manager
Mike Young
209.536.1622

GEOGRAPHIC INFORMATION SYSTEMS

GIS Coordinator
Madeline Amlin
209.533.6592

ROAD OPERATIONS

Road Superintendent
Mike Cagnetti
209.533.5609

SOLID WASTE

Solid Waste Director
Jim McHargue, REHS
209.533.5588

SURVEYING

County Surveyor
Warren Smith, L.S.
209.533.5626

The project consists of General Plan Amendment GPA22-002, to amend the County of Tuolumne General Plan land use designation of a 0.84-acre portion of a 10.23-acre parcel, APN 059-080-087, fronting Bell Mooney Road on its northerly side, from Rural Residential (RR) to Estate Residential (ER), as well as proposed rezone RZ22-008 of the same 0.84-acre portion of parcel APN 059-080-087. The zoning change proposed is to go from RE-5 (Residential Estate, 5-acre minimum) to RE-3 (Residential Estate, 3-acre minimum). The General Plan Amendment and rezoning are being performed in advance of a desired lot line adjustment, to transfer ownership of the 0.84-acre northerly frontage of APN 059-080-087 to the lot immediately north, APN 059-080-006, making the General Plan designation and zoning of the 0.84-acre portion consistent with its intended recipient. This 0.84-acre portion separates APN 059-080-006 from access to the road it fronts. At present, there is an ingress and egress easement through this portion of APN 059-080-087 to allow legal access from Bell Mooney Road to APN 059-080-006. The lot line adjustment action is not being considered at this time.

The lot is currently developed, with a single family residence, served by a private well and a private septic sewer system. The submitted exhibit for the GPA and RZ actions does not indicate the presence of any other infrastructure or easements that would be affected by the actions sought.

The Department of Public Works Engineering has no further comments at this time

California Department of Transportation

OFFICE OF THE DISTRICT 10 PLANNING
P.O. BOX 2048 | STOCKTON, CA 95201
(209) 948-7325 | FAX (209) 948-7164 TTY 711
www.dot.ca.gov



September 15, 2022

Natalie Rizzi
Senior Planner
Tuolumne County Community
Development Department
48 Yaney Avenue
Sonora, CA 95370

TUO-108-PM 13.515
General Plan Amendment
/Zone Change RZ22-008

Dear Ms. Rizzi,

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the proposed General Plan Amendment and Zone Change RZ22-008 that proposes to amend the General Plan land use designation of a 0.84± acre portion of a 10.23± acre parcel from Rural Residential (RR) to Estate Residential (ER), and rezone a 0.84± acre portion of a 10.23± acre parcel from Residential Estate, Five Acre Minimum (RE-5) to Residential Estate, Three Acre Minimum (RE-3) under Title 17 of the Tuolumne County Ordinance Code.

The project site is located at 10144 Bell Mooney Road in the community of Jamestown, approximately 900± feet west of the intersection of Jacksonville Road and Bell Mooney Road.

Caltrans has the following comments:

Caltrans suggests that the County of Tuolumne continue to coordinate with Caltrans in identifying and addressing potential pedestrian safety and cumulative transportation impacts from this project and other developments near this location. This will assist Caltrans in ensuring that pedestrian, traffic safety, and quality standards are maintained for the traveling public on existing and future state transportation facilities in Tuolumne County.

Encroachment Permits

If any project activities encroach into Caltrans Right of Way (ROW), the project proponent must submit an application for an Encroachment Permit to the Caltrans District 10 Encroachment Permit Office. Appropriate environmental studies must be submitted with this application. For more information, please visit the Caltrans Website at: <https://dot.ca.gov/programs/traffic-operations/ep/applications>

Ms. Natalie Rizzi
September 15, 2022
Page 2

If you have any questions or concerns, please contact Shiferaw Jemberie at (209) 986-9635 (email: Shiferaw.jemberie@dot.ca.gov) or me at (209) 483-7234 (email: Gregoria.Ponce@dot.ca.gov).

Sincerely,

A handwritten signature in black ink that reads "Gregoria Ponce'". The script is cursive and fluid, with a small apostrophe after the first 'P'.

Gregoria Ponce', Chief
Office of Rural Planning

c: David Ruby, Planning Manager, Tuolumne County Planning Department

From: [Bill Sandman](#)
To: [Taryn Vanderpan](#); [Natalie Rizzi](#)
Cc: [Yousif Zardo](#); [Kent Rasmussen](#); [Kelle Schroeder](#)
Subject: RE: Stakeholder Notification GPA22-002
Date: Thursday, September 1, 2022 3:47:10 PM

The Air District has no comments on GPA22-002.

Thanks,

Bill

Bill Sandman
Deputy Air Pollution Control Officer
Tuolumne County Air Pollution Control District
(209) 533-6673
bsandman@co.tuolumne.ca.us

From: Taryn Vanderpan <TVanderpan@co.tuolumne.ca.us>
Sent: Thursday, September 1, 2022 12:33 PM
Subject: Stakeholder Notification GPA22-002

Good Afternoon,

Attached, please find a stakeholder notification for a proposed project in Tuolumne County.
If you have any questions, concerns or comment, please do not hesitate to contact the staff noted in the Notification.

Thank you,

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

DATE: March 13, 2023

SURFACE/MINERAL

RIGHTS OWNER: Clifton McCurley
(209) 768-5666

APPLICANT: Clifton McCurley
(209) 768-5666

PROJECT AND LOCATION

PROJECT DESCRIPTION:

1. Resolution for General Plan Amendment GPA22-003 to amend the General Plan land use designation of a 3.0± acre portion of a 4.68± acre parcel from Homestead Residential (HR) to Estate Residential (ER).
2. Ordinance for Zone Change RZ22-009 to rezone a 1.7± acre portion of a 4.68± acre parcel from RE-1 (Residential Estate, One Acre Minimum) to RE-2 (Residential Estate, Two Acre Minimum) and a 0.67± acre portion of a 4.68± acre parcel from RE-5 (Residential Estate, Five Acre Minimum) to RE-2 under Title 17 of the Tuolumne County Ordinance Code.

LOCATION: The project site is located at 18258 Old Wards Ferry Road in the community of Sonora, approximately 33 feet southwest of the intersection of Lambert Lake and Old Wards Ferry Road. The project site is located within a portion of Section 15, Township 1 North, Range 15 East, Mount Diablo Baseline and Meridian and within Supervisorial District 4. Assessor's Parcel Number 056-430-016.

GENERAL PLAN: The project site is currently designated partly Homestead Residential (HR), and partly Estate Residential (ER) by the 2018 Tuolumne County General Plan. The RE-2 zoning district is compatible with the proposed Estate Residential (ER) General Plan 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. The General Plan Amendment and Zone Change are proposed in advance to allow for a subsequent Tentative Parcel Map to subdivide the existing parcel (APN 056-430-016) into two parcels of ±2.33 and ±2.35 acres in size. While the ultimate proposed project (Tentative Parcel Map after this General Plan Amendment and Rezone is approved) would increase the number of legal parcels from one to two, and would increase the potential residential density potential from one single-family dwelling plus one ADU to two single-family dwellings plus two ADUs on the land, it is located in an area bounded by existing development of smaller lots on an otherwise similar scale, hence the incremental increase in density potential would not be classified as potentially causing a significant effect on the environment, and the exemption pursuant to Section 15061(b)(3) of the *State CEQA Guidelines* is appropriate.

RECOMMENDATION

1. Community Development Department Staff recommends approval of General Plan Amendment GPA22-003 based upon the following findings:
 - A. The proposed General Plan Amendment is consistent with the Tuolumne County General Plan.
 - B. The project site is suited to the uses permitted under the proposed land use designation.
 - C. It is in the public interest to amend the Tuolumne County General Plan to allow use of the project site which is consistent with the policies and programs of the General Plan and the land use patterns of the area surrounding the project site.
 - D. Amending the land use designation of the project site is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines*.
2. Community Development Department Staff recommends approval of Zone Change RZ22-009 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 Zone Change is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines*.

GENERAL INFORMATION

Site Description

1. The project site consists of a ± 4.7 acre parcel located at 18258 Old Wards Ferry Road in the community of Sonora, approximately $33\pm$ feet southwest of the intersection of Lambert Lake and Old Wards Ferry Road. The General Plan Amendment and Zone Change are proposed in advance to allow for a subsequent tentative parcel map to subdivide the existing parcel (APN 056-430-016) into two parcels of ± 2.33 and ± 2.35 acres in size, however, the impacts associated with the parcel split have been included in this project's environmental analysis. Table 1 and 2 below show the existing site conditions and conditions of both parcels following approval of the project and ultimate land division. The areas proposed for the General Plan Amendment and Zone Change are areas within APN 056-430-016 that are currently not consistent for the proposed configuration and size of lots desired and indicated in the tentative Parcel Map, T22-012.

Table 1: Existing Site Conditions

APN	Zoning	General Plan	Size (gross acres)	Existing Development	Maximum Residential Density
056-430-016	RE-1, RE-2, RE-5	HR (3.0 acres); ER (1.7 acres)	4.68	vacant	1 SFD + 1 ADU

Table 2: Site Conditions Following Project Approval

Proposed Parcel	Zoning	General Plan	Size (gross acres)	Existing Development	Maximum Residential density
B-1-A	RE-2	ER	2.35	vacant	1 SFD + 1 ADU
B-1-B	RE-2	ER	2.33	vacant	1 SFD + 1 ADU

Project Description

- The project entails General Plan Amendment GPA22-003 to amend the General Plan land use designation of a ± 3.0 acre portion of Assessor's Parcel Number 056-430-016 from RR to ER and Zone Change RZ22-009 to rezone a ± 0.67 acre portion from RE-5 to RE-2, as well as a ± 1.70 acre portion from RE-1 to RE-2. The General Plan Amendment and Zone Change are required to adjust the areas in question to achieve a uniformity in the General Plan designation over the entirety of the lands (currently both ER and HR General Plan land use designations are present), and to create to zoning districts appropriate for the intended lot size per the submission of Exhibit Map T22-012. The processing of the Tentative Parcel Map will be handled by the Tuolumne County Surveyor at a later date, but is included in this overall analysis. See Table 1 and Table 2 above to see the before and after conditions of the proposed General Plan Amendment, Zone Change, and land division.

General Plan

- The project site currently contains both the Homestead Residential (HR) and Estate Residential (ER) General Plan land use designations. The application proposes to amend the land use designation of a ± 3.0 acre portion to ER to facilitate a Tentative Parcel Map which would split the existing parcel into two parcels of roughly equal size. Following approval of the Tentative Parcel Map, the subject parcel would fully contain the ER land use designation and RE-2 zoning. Table 1.3 of the Technical Background Report of the 2018 Tuolumne County General Plan indicates that the ER land use designation is compatible with the RE-2 zoning district. As indicated in Table 1 and Table 2 above in this report, the uses on site are consistent with the ER land use designation. Therefore, the proposed project is consistent with the Tuolumne County General Plan. Further, the portion of the existing parcel that is zoned RE-1 is not compatible with the ER General Plan designation, so bringing the General Plan designation of all portions of the existing parcel to ER will bring the sum of the lands comprising the parcel into compliance with the General Plan designation appropriate for the existing and proposed zoning.

Ordinance Code

4. The project site composed of a single lot is currently zoned with multiple zoning designations, with portions zoned RE-1, RE-2, and RE-5. The multiplicity of zoning designations over small portions of the land comprising one existing parcel is not in compliance with the Tuolumne County Ordinance Code, and the small portions of inconsistent zoning do not comply with minimum zoning area requirements (i.e., an existing 0.67-acre portion of the existing parcel is currently zoned RE-5, far short of the minimum area appropriate for that zoning district, and the parcel in its entirety isn't large enough for RE-5 zoning in the first place). A ± 0.67 acre portion of the project site is proposed to be rezoned to from RE-5 to RE-2; a ± 1.7 acre portion of the project site is proposed to be rezoned to from RE-1 to RE-2; and an existing ± 2.31 acre portion in the center of the existing parcel will remain zoned RE-2. The rezone is required to facilitate a Tentative Parcel Map which would divide APN 056-430-016 into two lots of ± 2.35 and ± 2.33 acre size, pursuant to Section 17.06.035 of the TCOC, which if approved, would result in two parcels with sizes that meet the minimum parcel size of the RE-2 zoning district.
5. The purpose of the RE-2 zoning district is to provide areas where persons may enjoy rural residential living while engaging in limited agricultural pursuits or maintaining livestock. The RE-2 district is intended to occur where fewer municipal services are available. The project site will be served with a private well and private sewage disposal system. Therefore, the project is consistent with the purpose of the RE-2 zoning district.
6. The minimum size of the RE-2 zoning district is two gross acres. Each proposed parcel would meet the minimum area requirements, as well as the minimum frontage width at the front property line, per TCOC Section 17.26.040.
7. Currently, the existing $4.7\pm$ acre parcel could be developed with a single-family dwelling and one Accessory Dwelling Unit (ADU) less than 1,200 square feet. If the General Plan Amendment, Zone Change, and Tentative Parcel Map are approved, each resulting parcel could be developed with a single-family dwelling and an ADU for a total of two single family dwellings and two ADUs on the 4.7-acre site. Therefore, approval of the project would increase the residential development potential by one single family dwelling and one ADU. Approval of the General Plan Amendment and Zone Change would not allow uses which are not already allowed as the parcel currently contains $2.3\pm$ acres of RE-2 zoning and 2.98 acres of the ER General Plan land use designation. The addition of two dwelling units on this site and in the context of the surrounding area is negligible and will have no impact on the environment.

Wildlife and Habitat

8. The site has been largely cleared of vegetation other than smaller blue and live oak trees, annual grasses, and maintained in a neat fashion. The Tuolumne County Wildlife Maps indicate that the project site contains the Residential Park (rsp) habitat type. The rsp habitat is considered a fourth priority habitat. Fourth priority habitats are areas of relatively low value to wildlife where most uses would be allowed without wildlife mitigation.
9. 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.
10. A site visit was conducted by CDD LUNR staff on February 21, 2023. No special status flora, fauna, or insects were noted on the site. A single elderberry bush was identified in the northwest corner of the parcel, in the ephemeral creekbed, in an area that will not be

disturbed by future development of the land. The U.S. Fish and Wildlife Service's Environmental Conservation Online Service website, ECOS, was consulted to check the habitat range of the Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*, or VELB), a threatened species known to live in the elderberry as its host plant habitat. ECOS identified that while some VELB habitat does exist in the lower Stanislaus River canyon within Tuolumne County, the project site is not within or near the mapped habitat for this threatened species. Thus, per the Decision Tree published in the *Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle* (U.S. Fish and Wildlife Service, May 2017), as the project is not located within the current or historic range of the VELB, no further assessment is warranted. The U.S. Fish and Wildlife Information for Planning and Consultation website, IPaC, was consulted to generate further species lists specific to the site. The website identified the California Red-legged frog (*Rana draytonii*) as a possible threatened species with a listed final habitat but identified that the project site does not overlap the critical habitat.

11. No mitigation for cumulative impacts to wildlife are needed for the project. The project is not proposing any development and therefore no vegetation would be removed as a result of the project. There is existing road access to each proposed parcel so road improvements would not be a requirement. The project consists of a General Plan Amendment and Zone Change to facilitate a Tentative Parcel Map to split a ±4.68 acre parcel into two parcels of ±2.35 and ±2.33 acre size. As indicated in the Ordinance Code Section above in this report, there would be an increase in the residential development potential by one single family dwelling and one ADU following the lot split ultimately sought. Pursuant to Section 17.52.200 of the TCOC and applicable state regulations on ADUs, they are not considered in a parcel's density and must be processed ministerially. The General Plan Amendment and Zone Change would not allow for uses which are not currently allowed as the existing parcel contains the ER General Plan land use designation and RE-2 zoning. Therefore, there would be no impact to wildlife.

Cultural Resources

12. Cultural Resource indicators identified in Chapter 14.10 of the TCOC were not present as the subject and adjacent parcels do not contain known resources. Therefore, a Cultural Resource Study was not required. A site visit was conducted by CDD Planning staff on February 21, 2023, and no indicators of cultural resources were noted on the site.
13. The Tuolumne Band of Me-Wuk Indians was contacted by the Applicant and conducted a site visit on January 31, 2023. They documented no presence of cultural resources on the site.

Adjoiner Comments

14. Property owners within 500 feet of the project site were notified of the project via mail on September 29, 2022. A total of 21 property owners were notified. No responses were received by the Community Development Department.

Public Agency Review

15. The application for General Plan Amendment GPA22-003 and Zone Change RZ22-009 was circulated to various State and County agencies. The Engineering Division of the Department of Public Works responded that they have no comments or concerns with the proposed General Plan Amendment and Zone Change. The California Department of Transportation (Caltrans) provided comments on the project. Their comments are summarized and addressed below. No other comments or responses from advisory agencies were received.

California Department of Transportation (Caltrans)

Caltrans reviewed the project and indicated that any activities that encroach into the Caltrans right-of-way would require an Encroachment Permit from their office. Caltrans recommended the County continue to coordinate with Caltrans from projects and other development.

Native American Consultation

16. Section 65352.3 of the Government Code requires city and county governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places during the processing of a General Plan Amendment. The intent of this law is to provide local tribes with an opportunity to participate in local land use decisions at an early planning stage in order to protect, or mitigate impacts to, cultural places. The county is required to notify tribes with traditional cultural places in the vicinity of the project site of the opportunity to consult regarding the proposed General Plan Amendment.
17. Letters offering the opportunity to consult were sent to each of the Tribes indicated by the Native American Heritage Commission on November 9, 2022. A second letter was mailed on March 1, 2023, approximately 45 days prior to consideration of the application by the Board of Supervisors. No responses or requests for consultation were received.

General Plan Amendment Findings

18. Evidence and Staff's response to each required finding of the General Plan Amendment application is discussed below.

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

Consistency with the Tuolumne County General Plan is discussed and demonstrated in #3 above in this report.

B. The project site is suited to the uses permitted under the proposed land use designation.

The existing use and site description is discussed in #1 above in this report. The existing uses are consistent with the ER land use designation. Please see #1 and #3 above in this report for additional information and analysis to support this finding.

C. It is in the public interest to amend the Tuolumne County General Plan to allow use of the project site which is consistent with the policies and programs of the General Plan and the land use patterns of the area surrounding the project site.

Parcels surrounded by the subject parcel, and those located to the immediate east and south of the project site contain the ER General Plan land use designation. Please see Attachment 1 below for the existing land use designations of the project site and surrounding area.

D. Amending the land use designation of the project site is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

Please see the Environmental Evaluation above in this report for evidence and analysis of the CEQA exemption under Section 15061(b)(3) of the *State CEQA Guidelines*.

Zone Change Findings

19. 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 Tuolumne County General Plan is discussed and demonstrated in #3 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 #4, #5, #6, and #7 above in this report.

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

The project site conditions and existing uses are discussed in #1 above in this report. The proposed RE-2 zoning district has been determined to appropriate for the site conditions and the proposed uses on site. Please see #1, #5, and #6 above in this report for additional information and evidence.

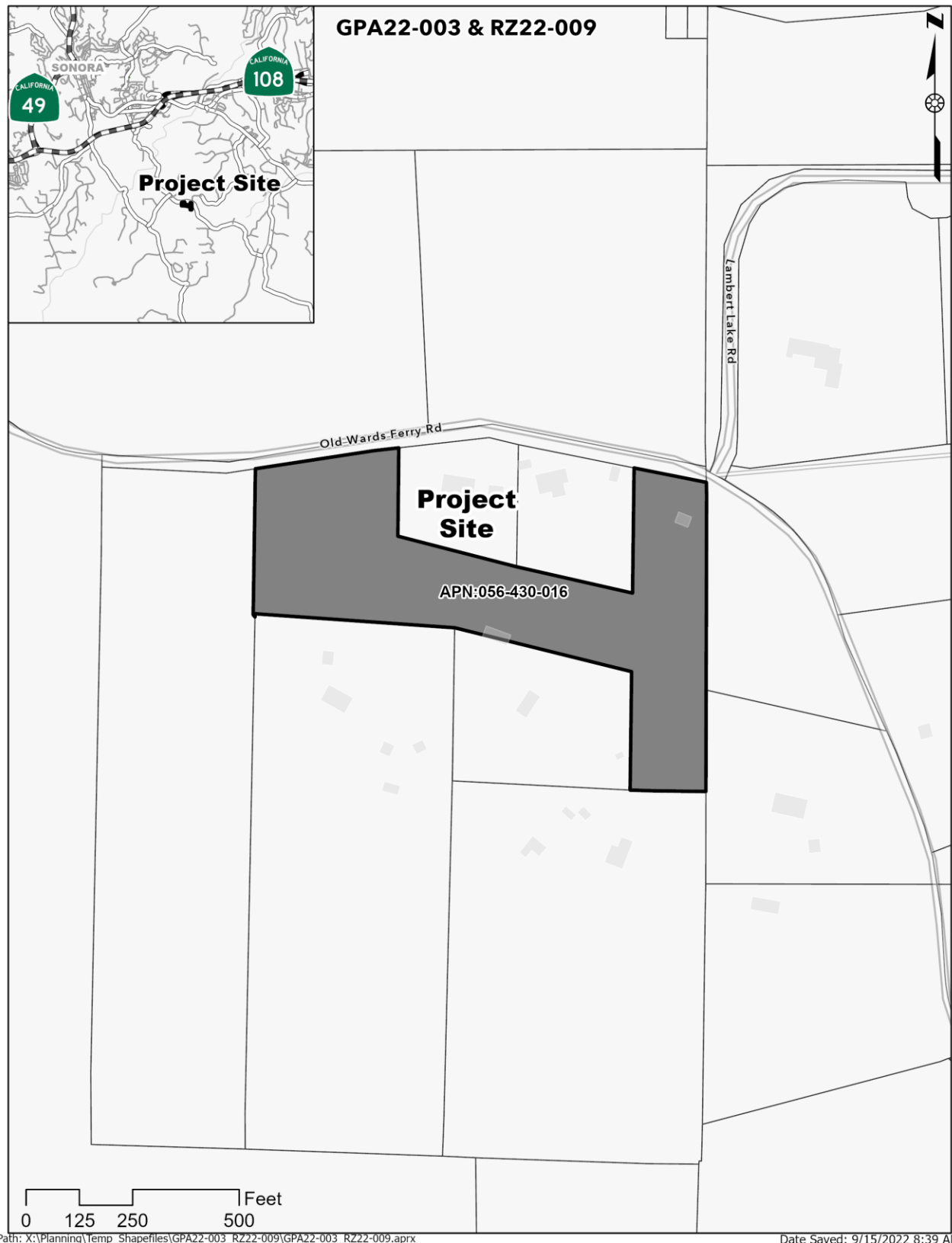
D. The Zone Change is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

Please see the Environmental Evaluation above in this report for evidence and analysis of the CEQA exemption under Section 15061(b)(3) of the *State CEQA Guidelines*.

PREPARED BY: Dave Ruby, Planning Manager

S:\Planning\PROJECTS\General Plan Amendment\2022\GPA22-003 (RZ22-009) McCurley\Application Review\GPA22-003-RZ22-009 McCurley Agenda Report 20230313.doc

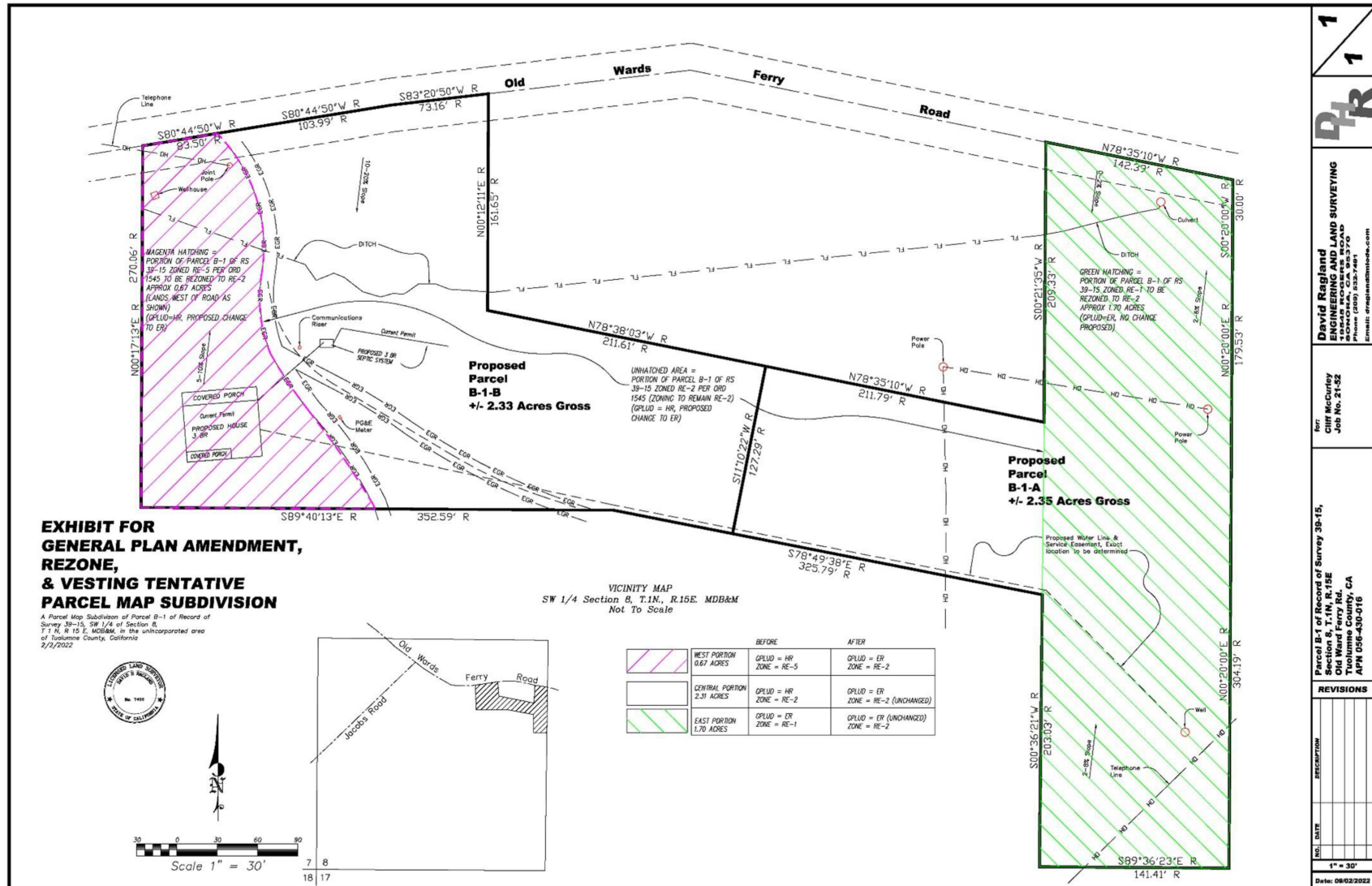
Attachment 1: Agenda Map



Path: X:\Planning\Temp_Shapefiles\GPA22-003_RZ22-009\GPA22-003_RZ22-009.aprx

Date Saved: 9/15/2022 8:39 AM

Attachment 2: Exhibit Map



Attachment 3: Photographs



Center of site looking southerly



Western driveway encroachment to Old Wards Ferry Road



Ephemeral drainage, northwestern corner of site near driveway



Existing driveway easements traverse the parcel

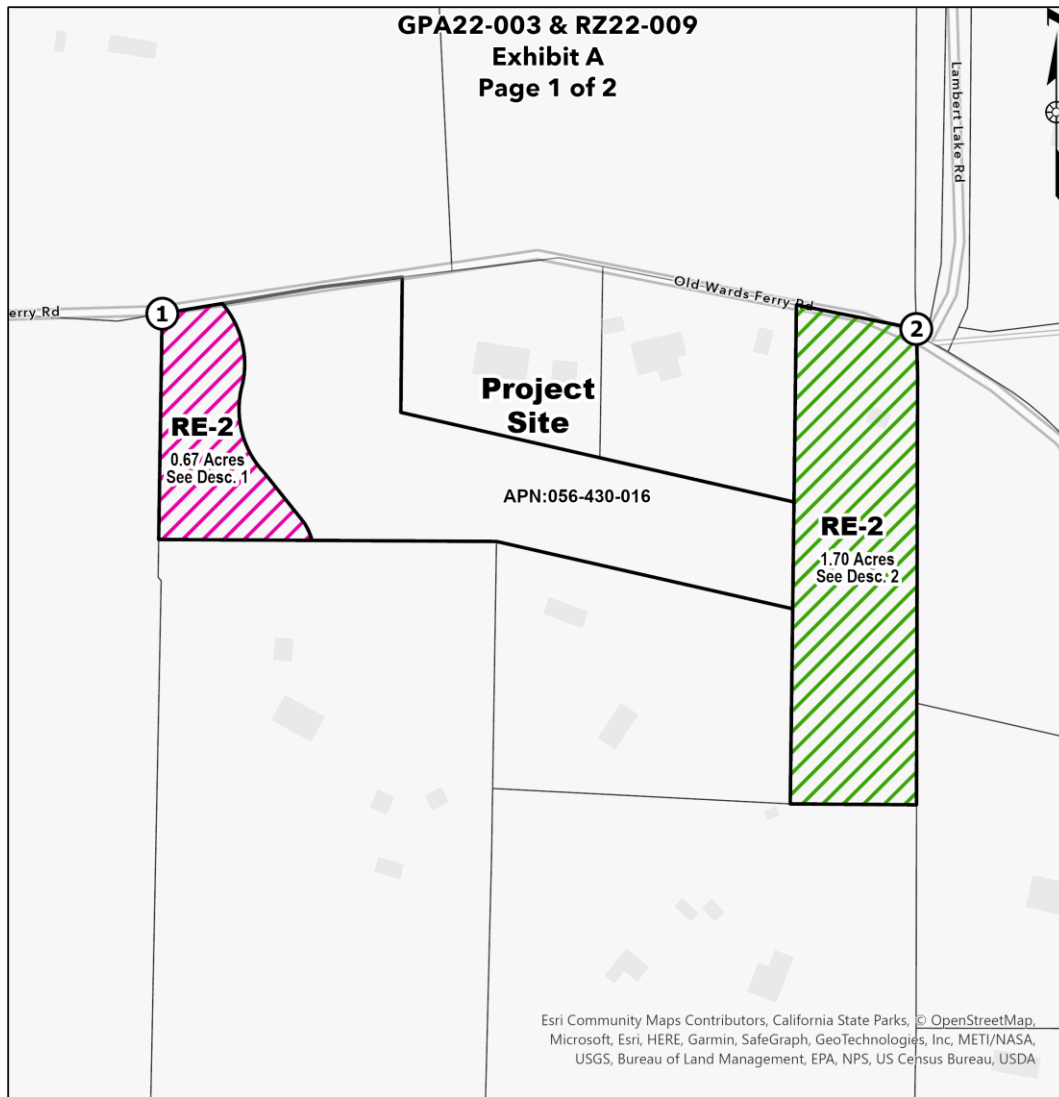


House pad in southwest corner of parcel



House pad on east side of parcel

Exhibit A: Rezone



Points of Beginning
 1 - RE-2 - 1, Proposed Rezone from RE-5 to RE-2
 2 - RE-2 - 2, Proposed Rezone from RE-1 to RE-2

See page 2 for full descriptions

- Project Area
- Points of Beginning
- Proposed Zoning**
- RE-1 to RE-2
- RE-5 to RE-2

0 125 250 500 Feet

Path: X:\Planning\temp_snapenries\GPA22-003_RZ22-009\GPA22-003_RZ22-009.aprx

GPA22-003 & RZ22-009

Exhibit A

Page 2 of 2

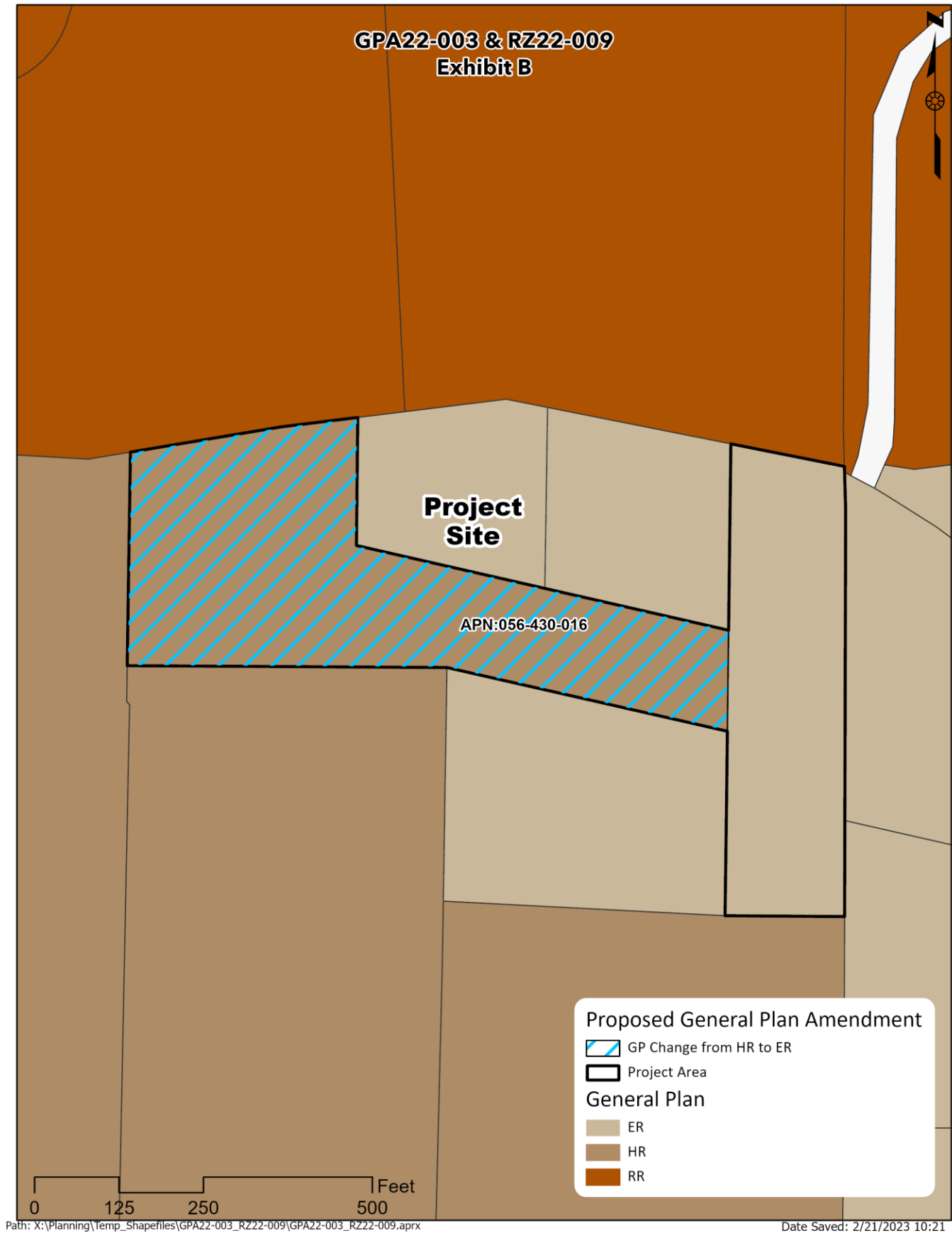
Description 1 - RE-2 - 1
Starting from Point of Beginning 1
as delineated

Direction	Distance	Radius
S00° 17' 13"W	270.06'	
S89° 40' 13" E	214'	
N67°02'28"W	21.32'	67.67
N12° 25' 35" E	70.1'	
N16° 27' 39"W	106.7'	101.7
N07° 56' 00" W	93.8'	102
S80° 44' 50"W	83.5'	

Description 2 - RE-2 - 2
Starting from Point of Beginning 2
as delineated

Direction	Distance
N78° 35' 10"W	142.39'
S00° 21' 35"W	539.65'
S89° 36' 23"E	141.41'
N00° 20' 00" E	513.72'

Exhibit B: General Plan Amendment



California Department of Transportation

OFFICE OF THE DISTRICT 10 PLANNING
P.O. BOX 2048 | STOCKTON, CA 95201
(209) 948-7325 | FAX (209) 948-7164 TTY 711
www.dot.ca.gov



October 13, 2022

Cheydi Gonzales
Tuolumne County Community Development
Department
48 Yaney Avenue
Sonora, CA 95370

TUO-108-PM R1.719
General Plan Amendment
GPA22-003 and
Zone Change (ZC)
RZ20-009 McCurley

Dear Ms. Gonzales,

California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the General Plan Amendment GPA 22-003 and Zone Change RZ22-009 that proposes to amend the General Plan land use designation of a 3.0± acre portion of a 4.7± acre parcel from Homestead Residential (HR) to Estate Residential (ER). The project also includes a zone change to rezone a 1.7± acre portion of a 4.7± acre parcel from Residential Estate, One Acre Minimum (RE-1) to Residential Estate, Two Acre Minimum (RE-2) and a 0.67± acre portion of a 4.7± acre parcel from Residential Estate, Five Acre Minimum (RE-5) to RE-2 under Title 17 of the Tuolumne County Ordinance Code.

The proposed project site is located approximately 1.8 miles from State Route (SR) 108 at 18258 Old Wards Ferry Road in the community of Sonora, approximately 33± feet southwest of the intersection of Lambert Lake and Old Wards Ferry Road.

The Assessor Parcel Number (APN) is 056-430-016.

Caltrans has the following comments:

Hydrology

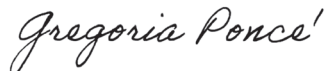
It has been determined that the current layout may not adversely impact the existing SR 108 stormwater runoff pattern. However, should any future development plan on the approved zone change parcels significantly change the existing stormwater runoff patterns of the SR 108, we request to review the drainage, grading plans, and calculations.

Cheydi. Gonzales
October 13, 2022
Page 2

If any future project activities encroach into Caltrans Right-of-Way (ROW), the project proponent must submit an application for an Encroachment Permit to the Caltrans District 10 Encroachment Permit Office. Appropriate environmental studies must be submitted with this application. These studies will analyze potential impacts to any cultural sites, biological resources, hazardous waste locations, and/or other resources within Caltrans ROW at the project site(s). For more information, please visit the Caltrans Website at: <https://dot.ca.gov/programs/traffic-operations/ep/applications>

Please contact Paul Bauldry at (209) 670-9488 (paul.bauldry@dot.ca.gov), or me at (209) 483-7234 (Gregoria.Ponce@dot.ca.gov) if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Gregoria Ponce'". The script is cursive and fluid.

Gregoria Ponce', Chief
Office of Rural Planning



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: October 4, 2022

To: Cheydi Gonzales, Land Use Coordinator

From: Blossom Scott-Heim, P.E., Supervising Engineer *BSH*
Dave Ruby, Planning Manager *DR*

Re: GPA22-003 and RZ22-009, McCurley
APN 056-430-016
18258 Old Wards Ferry Road, Sonora

The project consists of General Plan Amendment GPA22-003, to amend the County of Tuolumne General Plan land use designation of a 3.0+- acre portion of a 4.7+- acre parcel, APN 056-430-016, fronting Old Wards Ferry Road on its northerly side, from Homestead Residential (HR) to Estate Residential (ER), as well as proposed rezone RZ22-009 of a 1.7+- acre portion of the same parcel. The zoning change proposed is to go from RE-1 (Residential Estate, 1-acre minimum) to RE-2 (Residential Estate, 2-acre minimum). The General Plan Amendment and rezoning are being performed in advance of a desired parcel split, T22-012, to split the existing parcel approximately in half, and would make the General Plan designation and zoning of the various portions of the existing single parcel consistent with that required by its intended recipient parcels. The lot line adjustment action is not being considered at this time.

The lot is currently developed, with one single-family residence, served by a private well and a private septic sewer system. The submitted exhibit for the GPA and RZ actions does not indicate the presence of any other infrastructure or easements that would be affected by the actions sought.

The Department of Public Works Engineering has no further comments at this time

ADMINISTRATION

Assistant to the
Department Head
Emma Hawks
209.694.2718

AIRPORTS

Airports Manager
Benedict Stuth
209.533.5685

BUSINESS

Business Manager
Janelle Kostlivy
209.533.5972

ENGINEERING

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

FLEET SERVICES

Fleet Services Manager
Mike Young
209.536.1622

GEOGRAPHIC INFORMATION SYSTEMS

GIS Coordinator
Madeline Amlin
209.533.6592

ROAD OPERATIONS

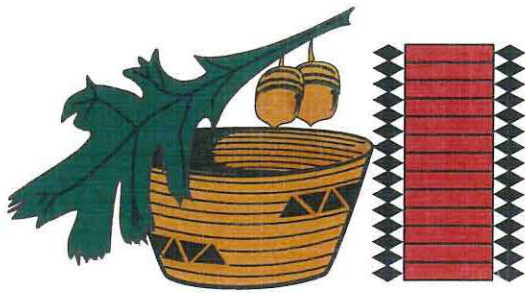
Road Superintendent
Mike Cognetti
209.533.5609

SOLID WASTE

Solid Waste Director
Jim McHargue, REHS
209.533.5588

SURVEYING

County Surveyor
Warren Smith, L.S.
209.533.5626



TUOLUMNE ME-WUK TRIBAL COUNCIL

Post Office Box 699

TUOLUMNE, CALIFORNIA 95379

Telephone (209) 928-5300

Fax (209) 928-1677

February 24, 2023

Cliff McCurley

18158 Old Wards Ferry Road

Sonora, Ca 95370

Dear Mr. McCurley,

On January 31st, 2023, Brady Day and I were conducting a cultural resource survey of APN#056-430-016 located at 18158 Old Wards Ferry Road in Sonora, California. Mr. McCurley had contacted Brady Day to request the survey as it is a requirement of the Tuolumne County Community Development Department for the purpose of splitting the lot. Brady Day and I are both Council Members of the Tuolumne Band of Me-Wuk Indians and certified Tribal Cultural Monitors.

The site conditions that day were as follows: temperature, 34 degrees; ground conditions, semi-dry; wind, 0 m.p.h.; precipitation, 0.

After concluding our survey of APN#056-430-016, Brady Day and I both determined there are no observable cultural resources on the surface of the parcel aside from small elderberry bush in the NW corner of the property. To my knowledge there has not been an ESA or Archaeological report done at this location at the time of writing this letter.

Regards,

Kyle Cox

Tribal Vice Chairman/Cultural Resource Manager

Email: kyle@mewuk.com

Phone: 209.928.5300



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

UNAPPROVED

TUOLUMNE COUNTY

PLANNING COMMISSION MEETING

MINUTES

January 18, 2023

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

PRESENT: Chair Jerry Morrow, and Commissioners Jim Jordan, Catherine Santa Maria, Mike Gustafson and Larry Beil

ABSENT: Vice-Chair Linda Emerson and Commissioner Kara Bechtle

STAFF: Quincy Yaley, Community Development Department Director; Dave Ruby, Planning Manager; Taryn Vanderpan, Administrative Technician

* * * * *

CALL TO ORDER/WELCOME:

Chair Morrow called the meeting of January 18, 2023, to order at 6:00 p.m. and led the Commission and audience members in the Pledge of Allegiance.

PLANNING COMMISSION BUSINESS:

1. 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****

Dave Ruby, Planning Manager, gave an update on staffing changes within the Planning Division.

2. Report from the Board of Supervisors Planning Committee Representative

Commissioner Jordan gave an overview of the BOSPC meeting. He discussed the presentation staff provided regarding the Tribal and Rural Allocation Regional Early Action Planning Grant (REAP).

3. Report from the Agricultural Advisory Committee Representative

Commissioner Bechtle was absent; therefore, there was nothing to report.

4. Minutes of the meeting of October 19, 2022

It was moved by Commissioner Gustafson and seconded by Commissioner Santa Maria to approve the minutes of the October 19, 2022, meeting as presented.

Staff roll called for the vote:

Chair Morrow: Aye

Vice-Chair Emerson: Absent
Commissioner Gustafson: Aye
Commissioner Santa Maria: Aye
Commissioner Bechtle: Absent
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 Bechtle 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.

Charlotte Hauge, President of the American Planning Association, updated the Commission on the 2023 Planning Conference and noted that Tuolumne County would be hosting this years' event. She asked for Commission and staff input on what they would like the conference the entail.

PUBLIC HEARING:

1. **LEFMAN**, Ordinance for Zone Change RZ22-007 to rezone a 5.29± acre portion of a 25.37± acre parcel from A-10 (General Agricultural, Ten Acre Minimum) to A-20 (General Agriculture, Twenty Acre Minimum) under the Tuolumne County Ordinance Code.

The project site is located at 21778 Fortuna Mine Road, approximately 130± feet northwest of the intersection of Robin Hill Road and Fortuna Mine Road. Within a portion of Section 23, Township 2 North, Range 15 East, Mount Diablo Baseline and Meridian and within Supervisorial District 2. Assessor's Parcel Number 086-070-014.

Mr. Ruby 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. Seeing no one, he closed the public comment period and referred the item back to the Commission.

It was moved by Commissioner Santa Maria and seconded by Commission Beil to recommend approval of Zone Change RZ22-007 based on Findings A through D.

Staff roll called for the vote:

Chair Morrow: Aye
Vice-Chair Emerson: Absent
Commissioner Gustafson: Aye
Commissioner Santa Maria: Aye
Commissioner Bechtle: Absent
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 Bechtle being absent.

2. FOX-YODER, HITES, Ordinance for Zone Change RZ22-006 to rezone the following:

Assessor's Parcel Number (APN):	Current Zoning	Proposed Zoning	Acres± to be Rezoned
039-440-013 (Parcel 3-Hites)	RE-10 & O	A-10 & O	0.09±
	RE-10	AE-37	0.08±
039-440-015 (Parcel 3A-1 -Yoder)	A-10	AE-37	1.08±
	A-10	RE-10	0.17±

Legend:

RE-10 = Residential Estate, Ten Acre Minimum

A-10 = General Agricultural, Ten Acre Minimum

AE-37 = Exclusive Agricultural, Thirty-Seven Acre Minimum

O = Open Space

The project site is located at 9080 and 9050 Sheppard Ranch Road, approximately 2,400± feet south of the intersection of State Highway 49 and Sheppard Ranch Road. Within a portion of Section 32, Township 2 North, Range 14 East, Mount Diablo Baseline and Meridian and within Supervisorial District 5. Assessor's Parcel Numbers 039-440-013 and 039-440-015.

Mr. Ruby 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. Seeing no one, he closed the public comment period and referred the item back to the Commission.

It was moved by Commissioner Gustafson and seconded by Chair Morrow to recommend approval of Zone Change RZ22-006 based on Findings A through D.

Staff roll called for the vote:

Chair Morrow: Aye

Vice-Chair Emerson: Absent

Commissioner Gustafson: Aye

Commissioner Santa Maria: Aye

Commissioner Bechtle: Absent

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 Bechtle being absent.

3. KIRK, Conditional Use Permit CUP22-005 to allow commercial weddings and events on a 6.18± acre parcel zoned RE-5 (Residential Estate, Five Acre Minimum) under Title 17 of the Tuolumne County Ordinance Code (TCOC). There will be a maximum of 10 events a year and a maximum of 50 guests in attendance for each event.

The project site is located at 19175 Black Oak Road, approximately 1,300± feet southwest of the intersection of Black Oak Road and Soulsbyville Road in the community of Soulsbyville. Within a portion of Section 1, Township 1 North, Range 15 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 3. Assessor's Parcel Number 099-040-016.

Mr. Ruby gave a PowerPoint presentation on the proposed project location and description.

Chair Morrow, Commissioner Beil and Jordan informed the public that they had each met with the project proponent and walked the parcel.

Commissioner Beil raised concerns that the project did not meet the 200-foot boundary addressed in the Tuolumne County Ordinance Code, Section 17.52.220 (c).

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

A member of the public spoke on the proposed project and raised concerns with the project proponent being a Board of Supervisor and wanted to ensure there was not special treatment processing his project.

Daniel Kirk, project proponent, spoke on the concerns that were raised by the public. He explained the additional measures that he included as part of the project to address concerns raised by the adjoining property owners.

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.

It was moved by Commissioner Jordan and seconded by Chair Morrow to approve Conditional Use Permit CUP22-005 based on Findings A through E and subject to Conditions 1 through 41.

Staff roll called for the vote:

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

Chair Morrow called for the vote. 4; Ayes, 1; Noes, 0; Abstain

Motion carried: 4– 1 – 0 with Commissioner Beil voting no and Vice-Chair Emerson and Commissioner Bechtle being absent.

ADJOURNMENT:

Chair Morrow adjourned the meeting.

Respectfully,

Quincy Yaley, AICP
Community Development Department Director

QY:tv

S:\Commissions\TCPC\2023\Minutes\1-18-2023 Minutes.docx

LEGAL NOTICE

NOTICE IS HEREBY GIVEN THAT the Tuolumne County Planning Commission of Tuolumne County, California, will conduct a public hearing on April 5, 2023, at 6:00 p.m., in the Board of Supervisors Chambers, 2 South Green Street, Sonora to consider the following:

NOTICE IS HEREBY GIVEN THAT

- 1. SCHOPFER/MOULTHROP, 1)** General Plan Amendment GPA22-006 to amend the General Plan land use designation of a 0.19 acre parcel to Estate Residential; **2)** Ordinance for Zone Change RZ22-011 to rezone a 0.91 acre parcel (APN 041-190-028) to RE-3:MX and rezone an 8.08 acre parcel (041-150-015) to RE-3:MX; Located at 19460 Middle Camp Sugar Pine Road, Twain Harte. Notice of Exemption pursuant to Section 15601(b)(3) of the State CEQA Guidelines.
- 2. VACCAREZZA, 1)** General Plan Amendment GPA2-002 to amend the General Plan land use designation of a 0.84 acre portion of a 10.23 acre parcel to Homestead Residential; **2)** Ordinance for Zone Change RZ22-008 to rezone a 0.84 acre portion of a 10.23 acre parcel to RE-3; APN 059-080-087. Located at 10144 Bell Mooney Road, Jamestown. Notice of Exemption pursuant to Section 15601(b)(3) of the State CEQA Guidelines.
- 3. McCURLEY, 1)** General Plan Amendment GPA22-003 to amend the General Plan land use designation of a 3.0 acre portion of a 4.68 acre parcel to Estate Residential; **2)** Ordinance for Zone Change RZ22-009 to rezone a 1.7 acre portion of a 4.68 acre parcel to RE-2 and a 0.67 acre portion to RE-2; APN 056-430-016. Located at 18258 Old Wards Ferry Road, Sonora. Notice of Exemption pursuant to Section 15061(b)(3) of the State CEQA Guidelines.

Interested persons are invited to be heard. Court challenges to any decisions on the above proposals may be limited to issues raised at the public hearing described herein or in correspondence submitted at, or prior to, said hearing.

s/Quincy Yaley
Community Development Department

DO NOT PRINT TEXT BELOW THIS LINE

To Be Published

Saturday, March 25, 2023

Contact Person:

Submitted to the Union Democrat on Thursday, March 23, 2023
by Taryn Vanderpan, 533-5635, 533-5571, 533-5633

Bill To:

Tuolumne County Community Development Department