



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
November 15, 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)
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(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 November 1, 2023

4. Planning Commission Meeting Instructions

5. Presentation on the Tuolumne County Draft Housing Element Update

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. ALLEY**, Conditional Use Permit CUP23-007 to allow the construction of a new 105± foot tall wireless communications tower and related equipment within a 40± foot by 40± foot fenced area on Assessor's Parcel Number 089-040-002. The Project site is a 2.95± acre parcel zoned BP (Business Park) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

The project site is located at 20815 and 20813 Longeway Road, approximately 680± feet northeast of the intersection of Soulsbyville Road and Longeway Road. The project site is located within a portion of Section 25, Township N North Range 15 East and Section 30, Township 2 North, Range 16 East, Mountain Diablo Baseline and Meridian. The site is located with Supervisorial District 2. Assessor's Parcel Number 089-040-002.

2. **TAYLOR**, Ordinance for Zone Change RZ23-007 to rezone a 10.16± acre parcel (APN085-060-044) from RE-5:MX (Residential Estate, 5-Acre Minimum:Mobilehome Exclusion Combining District) to A-10:MX (General Agricultural, 10-Acre Minimum:Mobilehome Exclusion Combining District). The general plan designation for this parcel is Rural Residential (RR).

The project site is located at 22170 Vilas Lane in the unincorporated area of the County northeast of the City of Sonora. Within a portion of Section 16, Township 2 North, and Range 15 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 1. Assessor's Parcel Number 085-060-044.

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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Tuolumne County Planning Commission Attendance for 2023

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COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

November 3, 2023

48 Yaney Avenue, Sonora
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TO: Tuolumne County Planning Commissioners

FROM: Quincy Yaley, Community Development Director
Tamera Blankenship, Housing Development Specialist

RE: Presentation and Review of the Housing Element Update Public Draft

BACKGROUND

1. The Housing Element of the General Plan is required by state law to be updated every five years consistent with the priorities determined by the California Department of Housing and Community Development (HCD). The update is an opportunity to assess our housing needs, constraints, and opportunities, and is comprised of the following sections:
 - Housing needs, including existing, projected, and special needs.
 - Site inventory and analysis to ensure adequate sites for housing need.
 - Constraints to housing development including potential and actual governmental constraints
 - Policies and programs, including timeframes for implementation, intended to reduce or remove constraints to housing development.
 - Affirmatively Furthering Fair Housing analysis and programs.
2. The updated document is required to ensure sufficient sites and opportunities to meet our Regional Housing Needs Allocation (RHNA). The RHNA process is initiated by the State when they determine how much housing at a variety of affordability levels is needed for each region in the state, and then notify local governments on what their responsibility is for providing their share of that housing. HCD determines the RHNA for each jurisdiction based on various factors, including demographic trends, regional housing needs, and existing housing stock. Additionally, HCD considers data on overcrowding, cost burden, vacancy rates, and jobs-housing imbalances when determining the regional housing need. For the current Housing Element Update, Tuolumne County is assigned a RHNA of two housing units. For comparison, the County's RHNA in the last Housing Element cycle was above 500 units.
3. PlaceWorks has been hired by the County to draft the Housing Element Update. Their process has included a review of the previous Housing Element, data analysis, community engagement, and support to the County in the drafting of the goals, policies, programs to address not only our RHNA, but the County's responsibilities to affirmatively further fair housing.

PUBLIC DRAFT REVIEW AND COMMENT PERIOD

4. The public draft is currently available for review and comment are encouraged. It can be found on the County's website <https://www.tuolumnecounty.ca.gov/1239/Housing-Element-Update>. The public comment period will be open until December 15, 2023. State law requires a public comment period of at least 30 days before the draft is submitted to HCD for their review. Staff is extending this timeframe to ensure the public has adequate time for review.

5. Commissioners are asked to review the public draft and provide comments by email within the public comment period. Commissioner feedback is essential, considering the role of planning commissioners to advise local government and make decisions related to land use and General Plan implementation.
6. Staff directs your attention specifically to the following sections for your review, consideration, and comments:
 - Housing Goals, Policies, and Programs (pgs. 1-22)
 - Housing Needs Assessment (pgs. 43-82)
 - Assessment of Fair Housing Site Inventory Analysis (pgs. 160-184)
 - Potential Housing Sites (pgs. 185-190)
7. Due to limited time during the meeting, comments from commissioners and the public are not only being solicited during the item during the Planning Commission meeting but are encouraged to be submitted after the meeting via email to Tamera Blankenship, the County's Housing Development Specialist at tblankenship@co.tuolumne.ca.us. Questions can also be directed to her at the email as well.

RECOMMENDATION

No action is being requested to be taken by the Commission at this time. Staff is available to answer questions about the draft document during the meeting or anytime during the public comment period. If individual commissioners or the public have comments on the draft, they are encouraged to do so via email correspondence to staff at the address above. Staff will include those comments in future presentations on the document, including presentations to the Board of Supervisors.

SURFACE/MINERAL

RIGHTS OWNER: Dave and Carol Alley
Phone: (209) 743-0008

APPLICANT: Assurance Development for T-Mobile, Adrian Culici
Phone: (323) 573-0045

DATE: October 27, 2023

PROJECT

DESCRIPTION: Conditional Use Permit CUP23-007 to allow the construction of a new 105± foot tall wireless communications tower and related equipment within a 40± foot by 40± foot fenced area on Assessor's Parcel Number 089-040-002. The project site is a 2.95± acre parcel zoned BP (Business Park) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

LOCATION: The project site is located at 20815 and 20813 Longeway Road, approximately 680± feet northeast of the intersection of Soulsbyville Road and Longeway Road. The project site is located within a portion of Section 25, Township 2 North Range 15 East and Section 30, Township 2 North, Range 16 East, Mount Diablo Baseline and Meridian. The site is located within Supervisorial District 2. Assessor's Parcel Number 089-040-002.

RECOMMENDATION

Community Development Department Staff recommends approval of Conditional Use Permit CUP23-007 based upon the following findings and subject to attached conditions 1 through 46.

- A. The proposed project is consistent with the Tuolumne County General Plan.
- B. The proposed project is in accordance with the Tuolumne County Ordinance Code.
- C. The proposed project will not overburden existing municipal facilities.
- D. The size and terrain of the project site are suitable for the proposed use.
- E. The proposed project will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, or be substantially detrimental or injurious to property and improvements in the neighborhood.
- F. The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*.

PROJECT DESCRIPTION

On June 29, 2023, an application was submitted for Conditional Use Permit CUP20-009 for the construction of a wireless communications facility including a 105± foot tall wireless communication tower and associated equipment within a 40± foot by 40± foot fenced area. The proposed tower is 95-feet tall with a 10-foot lighting rod, for a total height above grade of 105 feet. This facility would be used by T-mobile to provide cell service coverage. The tower is proposed to be constructed approximately 151± feet from the southwestern property boundary and approximately 119± feet to the northwestern property boundary (Attachment 2). There is an existing driveway and

ALLEY

encroachment which will be utilized to provide access to the facility. The tower would be designed as a stealth monopine tower. Green slats would be utilized within the fence surrounding the facility (Attachment 3). Power would be extended 278± feet underground from a transformer located within the Longway road right-of-way adjacent to the site (Attachment 2).

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

A.1 The project site is designated Business Park by the 2018 Tuolumne County General Plan land use diagrams. The BP designation provides for a mixture of industrial and commercial land uses with an emphasis on manufacturing, processing, assembly, storage, distribution, wholesale businesses, and research and development activities in campus-like business or industrial park settings. Development of a wireless communication facility would support these uses. Table 1.3 of Volume II of the 2018 General Plan indicates that the BP zoning district is compatible with the BP designation.

A.2 The following Goal and Policy of the 2018 General Plan also apply to the proposed project:

Goal 6B: *Promote the improvement of the infrastructure, such as water and sewer lines, roads, power, railroads and airports, and communication facilities throughout the County to increase the marketability of the County for the retention, expansion, and attraction of business and industry.*

Policy 6.B.4: *Support efforts to install state of the art communication facilities throughout Tuolumne County.*

Approval of CUP23-007 would allow the construction of a wireless communications facility to help serve businesses, residents, and visitors of Tuolumne County in support of Goal 6B and Policy 6.B.4 of the 2018 General Plan.

FINDING B The proposed project is in accordance with the Tuolumne County Ordinance Code.

B.1 The project site is zoned BP under Title 17 of the TCOC. The purpose of the business park (BP) district is to provide for a mixture of industrial and commercial land uses with an emphasis on manufacturing, processing, assembly, storage, distribution, wholesale business, and research and development activities in campus-like business or industrial park settings. Development of a wireless communication facility would support these uses.

B.2 Chapter 17.53 of the TCOC contains the regulations pertaining to wireless communication facilities. Pursuant to Section 17.53.040 of the TCOC, wireless communication facilities are a conditional use within the BP zoning district. Therefore, the applicant has applied for Conditional Use Permit CUP23-007.

B.C The project complies with the following requirements in the TCOC:

Zoning Ordinance	
Requirements	Project Compliance
Section 17.53.040: Major wireless communication facilities are declared to be	The project site is zoned BP. Therefore, a wireless communication facility is a

conditional uses and require the issuance of use permits in all zoning districts, except such facilities shall be prohibited in the M-U, R-3, R-2, R-1, RE-1, RE-2, RE-3, O, or O-1 zoning districts, or any zoning district when combined with the :H, :HDP, or :D combining districts, except as provided in Section 17.53.100.	conditional use. The applicant has applied for Conditional Use Permit CUP23-007.
<u>Section 17.53.050(B)(3):</u> A visual impact analysis drawn to scale, including a visual impact demonstration through mock-ups or photo-montages of the facility as viewed from each of the four cardinal points of the compass and as otherwise required by the director.	The applicant has submitted visual simulations of the proposed facility. (Attachment 4)
<u>Section 17.53.050(B)(5) and 17.53.050(B)(10):</u> A map shall be submitted with the application that identifies all related facilities within a five mile radius of the project site that are part of the same network of coverage as the proposed facility and a map identifying other major wireless communication facilities located within a two mile radius of the proposed facility.	The applicant has submitted the required maps.
<u>Section 17.53.050(B)(9):</u> Information shall be provided with the application addressing security considerations, including exterior lighting, fencing, gates and access.	The application materials indicate that the tower will be fenced with a 6-foot high chain link fence to discourage trespassing. The site plans include a 20-foot wide nonexclusive easement along the existing 10-foot wide driveway to provide access to the facility (Attachments 2 and 3).
<u>Section 17.53.050(B)(11):</u> A plan identifying the source of power to the wireless communications facility shall be provided.	PG&E provides electrical service to the project site. The application materials indicate that power will be extended underground approximately 278' from the location of the power to the facility within the driveway easement (Attachment 2).
<u>Section 17.53.050(B)(12):</u> A landscape plan providing for the retention of existing vegetation to the maximum extent practicable, illustrating the planting scheme and specifying the maintenance program.	A landscaping plan will be required to be submitted prior to the issuance of a building permit. A condition has been incorporated into the conditions of approval of Conditional Use Permit CUP23-007.
<u>Sections 17.53.050(B)(15) and (16):</u> A copy of the certification from the Federal Communications Commission specifying that the facility's radio frequency emissions will comply with applicable regulations of the Federal Communication Commission (FCC) and a copy of the FCC National Environmental Policy Act (NEPA) Checklist for all service providers that will be using the facility shall be provided.	The applicant has submitted an electromagnetic energy exposure (EME) compliance report. The Report determined that the installation of the proposed major wireless communications facility at the proposed location would be compliant with the FCC standards. The County has completed a NEPA Checklist for the file.

<p>Sections 17.53.050: indicates all of the required submittals for a wireless communication facility application.</p>	<p>All required information and documents were submitted.</p>
<p>17.53.060(A): Processing of the use permit application shall be in accordance with chapter 17.68 except as provided in subdivision B and that within forty-five days of receipt of a complete application for the use permit, the Community Development Department shall schedule the application for a public hearing by the jurisdictional planning commission.</p>	<p>Conditional Use Permit CUP23-007 has been scheduled before the Tuolumne County Planning Commission for a decision.</p>
<p>Section 17.53.090: Major wireless communication facilities shall be set back at least one hundred ten percent (110%) of any communications tower height from all property lines, and two hundred feet (200') from any parcel zoned M-U, R-3, R-2, R-1, RE-1, RE-2, RE3, O, or O-1, or zoned any district when combined with the :H, :HDP or :D combining district or from any publicly dedicated trail, public park or public outdoor recreation area. Guy wire anchors for wireless communication towers shall be set back at least twenty feet (20') from any property line.</p>	<p>The proposed facility meets all applicable setbacks. The 105-foot-tall tower would need to be a minimum of 115.5 feet from any property boundary. The tower would be 119 feet to the nearest property boundary. There are no parcels zoned -U, R-3, R-2, R-1, RE-1, RE-2, RE3, O, or O-1, or zoned any district when combined with the :H, :HDP or :D or any publicly dedicated trail, public park or public outdoor recreation area within 200 feet of the site.</p>
<p>17.53.110(A)(5): All major wireless communication towers shall be designed as stealth facilities or shall otherwise blend with the surrounding landscape unless evidence is submitted to and accepted by the decision making body and a finding is made that locating it on a less visible site is infeasible.</p>	<p>The elevations indicate that the tower will be designed as a stealth monopine tower. Green slats will be utilized within the chain link fence surrounding the facility. (Attachment 3)</p>
<p>Section 17.53.140: Exterior lighting of major wireless communication facilities shall be limited to manually operated or manned remote-operated lights which shall be kept off except when personnel are actually present and shall not illuminate the site at any other time.</p>	<p>The application materials do not propose any lighting. An on-going condition will be added stating that any lighting shall be manually operated or manned remote-operated lights which shall be kept off except when personnel are present.</p>
<p>Section 17.53.210(C): Any new facility shall make available unutilized space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services.</p>	<p>The elevations (Attachment 3) indicate the space made available for future carriers to collocate.</p>

Alternative Site Analysis

- B.D Section 17.53.050(B)(6) of the TCOC requires an alternative site analysis to be submitted with an application for a major wireless communication facility. The alternative site analysis shall show a minimum of two alternative sites and why each of these other sites were rejected or found inferior to the proposed site. A total of 11 other sites were investigated and ultimately rejected.

The following alternative sites were considered:

APN	Analysis Result
038-050-030	This site was rejected because the property would not be able to meet the required setbacks.
089-060-002	Rejected because the property owner did not respond to the lease offer.
043-252-013	This site was rejected because the property would not meet the coverage objective as a hill would block signal to the required coverage area.
038-050-030	Rejected because the property owner did not respond to the lease offer.
043-252-009	Rejected because the property owner did not respond to the lease offer.
038-330-003	Rejected because the property owner did not respond to the lease offer.
043-252-010	Rejected because the property owner did not respond to the lease offer.
043-290-036	Rejected because the property owner did not respond to the lease offer.
038-050-003	Rejected because the property owner did not respond to the lease offer.
038-260-015	Rejected because the property owner did not respond to the lease offer.
043-290-036	Rejected because the property owner did not respond to the lease offer.

FINDING C The proposed project will not overburden existing municipal facilities.

- C.1 The project will require power provided by Pacific Gas and Electric and road access. The low number of trips to the site to perform maintenance will not overburden the road system. The facility would utilize existing roadways and improve an existing driveway. The use of the facility is not expected to overburden electrical facilities. No other utilities or municipal facilities would be required to serve the project.

FINDING D The size and terrain of the project site are suitable for the proposed use.

- D.1 The project site consists of a 2.95± acre parcel zoned BP (Business Park) under Title 17 of the TCOC. The site is developed with a single-family dwelling, driveway, and associated infrastructure. The site is also utilized for outdoor storage of vehicles and firewood for the Alley's personal use. The site is level, with the average slope being less than 5%. Vegetation on site consists of live oaks, valley oaks, and annual grasses, with no trees being removed to allow for the facility. The site is surrounded by parcels with a mix of commercial, industrial, and residential uses. Pacific Gas and Electric Company (PG&E) provides electricity to the site.

Biological Resources

- D.2 The Tuolumne County Wildlife Maps indicate that the rsp (residential park) habitat is present on site. The residential park habitat type is the designation for urbanized areas, including residential, commercial, and industrial developments, as well as landscaped parks and gardens. The Tuolumne County Wildlife Handbook indicates that the rsp habitat type is considered a fourth priority habitat. Fourth priority habitats are areas of relatively low value to wildlife. Most uses would be allowed within the rsp habitat without wildlife mitigation. Due to the low value of the habitat located within the project site and the nature of the proposed

project, mitigation for cumulative impacts to wildlife was not required for the proposed project.

- D.3 The California Natural Diversity Database (CNDDDB) maps were consulted for the known locations of special status plant and animal species. The CNDDDB maps indicate that the special status plant species the Tuolumne button-celery (*Eryngium pinnatisectum*) and yellow-lip pansy monkey flower (*Diplacus pulchellus*) have been known to occur within the vicinity of the project site. Habitat for the Tuolumne button celery consists of wetlands and vernal pools. Habitat for the yellow-lip pansy monkey flower consists of wet meadows, seeps, vernal wet depressions and run-off areas often in the ponderosa pine zone. Habitat is not present on site for either the Tuolumne button-celery or the yellow-lip pansy monkey flower. Therefore, there would be no impact and no mitigation for wildlife was required.

FINDING E

The proposed project will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, or be substantially detrimental or injurious to property and improvements in the neighborhood.

- E.1 The proposed tower will be constructed in accordance with all County and State of California building and fire codes and FCC regulations. The applicant has submitted a report that determined that the installation of the proposed major wireless telecommunications facility at the proposed location would be compliant with the Radiofrequency Radiation Exposure Limits of the Federal Communications Commission. The tower and the equipment will be surrounded by fencing and signage to discourage trespassing onto the facility. Considering the extreme low risk of exposure to electromagnetic radiation and the required structural integrity of the tower, people living or working near the tower will not experience a decrease in their health, safety or welfare and there would be no substantially detrimental or injurious results to property or improvements in the neighborhood.

Airport Land Use Commission

- E.2 Policy 2.1.5.2(c)(1) of the Tuolumne County Airport Land Use Compatibility Plan and Section 18.24.040(B) of the TCOC require the Tuolumne County Airport Land Use Commission (ALUC) to review any discretionary entitlement proposal for the construction or alteration of a structure (including antennas) taller than 75 feet above the ground level at the site regardless of the location in Tuolumne County. This project was considered by the ALUC on October 26, 2023. The ALUC unanimously voted 5-0-0 to determine that Conditional Use Permit CUP23-007 was consistent with the Tuolumne County Airport Land Use Compatibility Plan, subject to the following condition:

Any new structure, development, or use on the project site shall be constructed, painted, designed, or operated in such a way as to avoid:

- a) Glare or distracting lights which could be mistaken for airport lights;
- b) Sources of dust, steam, or smoke which may impair pilot visibility;
- c) Sources of electrical interference with aircraft communications or navigation; and
- d) Any use which may attract large flocks of birds.

Adjoining Property Owners

- E.3 Owners of property within 1,000 feet of the site were notified of the proposed project by mail. Notices were sent on September 1, 2023, to 132 property owners within 1,000 feet of

the project site. The Stakeholder Notification was also posted to the Planning webpage. A total of four response letters were received. The letters indicated the following areas of concern.

Health and Safety/Radiation

The response letters indicated concern with the output from the facility and the impact it would have on health and safety and questioned the type of equipment used. The applicant has submitted an electromagnetic energy exposure (EME) compliance report prepared by Hammet and Edison, Inc, Consulting Engineers. The Report determined that the installation of the proposed major wireless communications facility at the proposed location would be compliant with the FCC standards. The report concluded that the emissions within publicly accessible areas are much lower than the required standards.

Existing Tower in Vicinity

One of the response letters indicated concern with another tower within the vicinity. The application materials indicate that utilizing other towers in the vicinity of the currently proposed site would not provide the necessary in-building, in-vehicle, and outdoor service to the identified area that does not have sufficient coverage.

Property Values

Concerns were raised about the project's impact on surrounding property values. 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.

Potential Increase in Height

One response indicated concern with possible height increases after the tower is constructed. No height increases would be permitted without additional review by the Land Use and Natural Resources Division.

Location

One response questioned why the tower was proposed to be placed on the current site and not on a hilltop. The currently proposed site was determined to be the most sufficient location that would comply with the TCOC requirements, with a landlord willing to allow the tower, and would provide the necessary in-building, in-vehicle, and outdoor service to the identified area. Additionally, the TCOC encourages towers not to be placed on hilltops or ridgelines, as indicated in Sections 17.53.080(D) and 17.53.120(A)(3) of the TCOC. Towers placed on hilltops would have more impact to aesthetics and visual quality.

Agency Responses

- E.4 State and County agencies were also notified of the project on September 1, 2023. The Tuolumne County Fire Prevention Division, the Engineering Division of the Department of Public Works, and the Tuolumne County Air Pollution Control District provided comments for this project which are addressed in this report and the project conditions of approval. The California Department of Transportation (Caltrans) responded and indicated they had no concerns or comments due to the distance to State Route 108.

Fire Prevention Division

The Fire Prevention Division provided one condition which have been incorporated into the conditions of approval for Conditional Use Permit CUP23-007. This condition requires

vegetation clearance around the new structures and access roads.

Engineering Division

The Engineering Division provided conditions which have been incorporated into the conditions of approval for Conditional Use Permit CUP23-007. These conditions include requirements for grading permits, encroachment permits, erosion control, drainage, and dust abatement.

Air Pollution Control District

The Air Pollution Control District provided conditions which have been incorporated into the conditions of approval for Conditional Use Permit CUP23-007. These conditions include conditions required to be met during construction of the facility.

FINDING G

The project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the State CEQA Guidelines.

- G.1 After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*. The project consists of construction of a wireless telecommunications tower facility not exceeding 2,500 square feet in floor area, and does not involve the use of significant amounts of hazardous substances. None of the exceptions to the use of a categorical exemption found in Section 15300.2 of the *State CEQA Guidelines* apply to this project.

PREPARED BY: Natalie Rizzi, Senior Planner

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**CONDITIONS OF APPROVAL
ALLEY
CONDITIONAL USE PERMIT CUP23-007**

General Conditions:

1. LU As a condition of the grant of approval of this Permit, and as a continuing condition of approval of the Permit, the Property Owner and Applicant, and their successors in interest shall defend, indemnify, save and hold harmless the County of Tuolumne, its elected and appointed officials, officers, agents, employees and volunteers from any and all claims, actions, proceedings, or liability of any nature whatsoever (including attorney's fees and costs awards) arising out of, or in connection with the County's review or approval of the application or project on which this condition is imposed, or arising out of or in connection with the acts or omissions of the Property Owner, Applicant and their agents, employees, or contractors during any work performed in connection with the application or project. With respect to review or approval, this obligation shall also extend to any effort to attack, set aside, void, or annul the approval of the project including any contention the project approval is defective because a county ordinance, resolution, policy, standard, or plan is not in compliance with local, state or federal law. With respect to acts or omissions of the Property Owner, Applicant and their agents, employees, or contractors, the obligation hereunder shall apply regardless of whether the County prepared, supplied, or approved plans, specifications or both. If the defense right is exercised, the County Counsel shall have the absolute right to approve any and all counsel employed to defend the County, which shall not be unreasonably withheld, conditioned or delayed. To the extent the County uses any of its resources to respond to such claim, action or proceeding, or to assist the defense, the above described person will reimburse County the reasonable cost of such resources upon demand. Such resources include, but are not limited to, staff time, court costs, County Counsel's time at its regular rate for non-County agencies, or any other direct or indirect cost associated with responding to, or assisting in defense of, the claim, action, or proceedings. For any breach of this obligation the County may, upon notice, rescind its approval of the application or project to which this covenant/condition is attached. (TCOC, Section 17.53.250)

2. BD Building Permits are required for all Non-Exempt structures being constructed on this project site pursuant to Section 105 of the California Building Code. (CBC, Section 105)

3. ED As applicable, secure a Road Encroachment Permit from the Engineering Division of the Department of Public Works for access onto and work within any County road right-of-way. (TCOC, Section 12.04.010)

4. ED If applicable, obtain a grading permit from the Engineering Division of the Department of Public Works if the grading thresholds are met as indicated in Chapter 12.20 of the Tuolumne County Ordinance Code. If a grading permit is required, a grading plan shall be submitted to the Engineering Division for

review and approval. (TCOC, Chapter 12.20)

5. ED If required, submit to the State Water Resources Control Board Storm Water Permitting Unit, a Notice of Intent (NOi) to obtain coverage under the General Construction Activity Storm Water Permit (California's National Pollutant Discharge Elimination System (NPDES) General Permit for construction related storm water discharge) for the disturbance of one acre or more. Disturbances of less than one acre may also require an NOi for coverage under the NPDES General Permit for construction related storm water discharge and the State Water Resources Control Board Water Permitting Unit shall be contracted for determination of permit requirements. Commercial and Industrial developments may require an NOi even if less than one acre and should be submitted to SWRCB. Obtain and NOi or an exemption from requirements.

Conditions to be met prior to issuance of a Building Permit:

6. BD/LU "Anti-climbing" features shall be utilized to reduce the potential for trespass and injury. The bottom 20 feet of the tower shall have no handholds to prevent unauthorized climbing. Any cabinets or equipment that extend above the fence shall be painted similar tones to match the color of the tower. (TCOC, Sections 17.53.120(A)(4) and 17.53.120(A)(6))
7. LU An agreement to maintain the tower or to remove it upon abandonment of the facility, or if it becomes structurally obsolete, shall be signed by the property owner or applicant and shall be submitted, along with a security in the form of a letter of credit, certificate of deposit or other security as approved by the Community Development Department Director to guarantee maintenance and removal of the major wireless communication facility. The amount of the security deposit shall be based upon an engineer's estimate of the cost to maintain the facility over the life of the facility and the cost to remove the facility. A wireless communication facility which has not been used for a period of eighteen months shall be deemed to have been abandoned and shall be removed in accordance with the agreement. (TCOC, Sections 17.53.220 and 17.53.230)

Conditions to be met during the construction phase:

8. LU/BD Construction activities associated with the wireless communication facility shall only take place on weekdays, Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m. and shall be prohibited on Saturday, Sunday and County holidays, unless otherwise approved by the Community Development Department Director. (TCOC, Section 17.53.190(A))
9. ED Prior to construction, all property corners shall be monumented and clearly visible. Where a clear line of site between lot corners is not possible, appropriate markers shall be set along the property line to mark the boundaries while construction is in progress. (TCOC, Chapter 12.20)

ALLEY

10. ED The Contractor shall be responsible for dust abatement during construction and development operations. A water truck or other watering device shall be on the construction site on all working days when natural precipitation does not provide adequate moisture for complete dust control. Said watering device shall be used to spray water on the site at the end of each day and at all other intervals, as need dictates, to control dust. (TCOC, Section 12.20.370)
11. ED The applicant shall submit an erosion control plan for any construction to take place. (TCOC, Title 12)
12. LU If a cultural resource is discovered during the activities authorized by this Permit, the person in possession of the parcel for which the permit was issued and all persons conducting any activity authorized by this permit shall comply with the following provisions:
 - A. The person discovering the cultural resource shall notify the Community Development Department by telephone within 4 hours of the discovery or the next working day if the department is closed.
 - B. When the cultural resource is located outside the area of disturbance, the Community Development Department shall be allowed to photodocument and record the resource and construction activities may continue during this process. On parcels of two or more gross acres, the area of disturbance includes building pads, septic areas, driveways or utility lines, grading and vegetation removal, plus 300 feet. On parcels of less than 2 gross acres, the area of disturbance equals the boundaries of the parcel.
 - C. When the cultural resource is located within the area of disturbance, all activities that may impact the resource shall cease immediately upon discovery of the resource. All activity that does not affect the cultural resource as determined by the Community Development Department may continue. A qualified professional, as defined in Section 17.04.657 of the Tuolumne County Ordinance Code, such as an archaeologist or an historian, shall be allowed to conduct an evaluative survey to evaluate the significance of the cultural resource.
 - D. When the cultural resource is determined to not be significant, the qualified professional or Community Development Department shall be allowed to photodocument and record the resource. Construction activities may resume after authorization from the Community Development Department.
 - E. When a resource is determined to be significant, the resource shall be avoided with said resource having boundaries established around its perimeter by a qualified professional archaeologist or historian or a cultural resource management plan shall be prepared by a qualified professional to establish measures formulated and

ALLEY

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

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

13. ED Exposed serpentine gravel is prohibited on the project site. (17 California Code of Regulations, Section 93106)
14. ED All soils disturbed by clearing, grubbing, and/or grading shall be reseeded or hydromulched or otherwise stabilized as soon as possible. Emergency erosion control measures shall be utilized as requested by County officials. (TCOC, Title 12)
15. APCD Any construction or site activities that create fugitive dust emissions shall implement dust suppression methods using either water or chemical stabilizer/suppressants. A water truck or other dust suppression equipment shall be on site at all times. The frequency of dust suppression measures shall be dependent on whether visible dust emissions are present. (TCAPCD Rule 505 - *Conditional Approval*)
16. APCD Should serpentine or ultramafic rock be found on site, a Dust Mitigation Plan pursuant to Air District Rule 908 - *Asbestos ATCM*, shall be submitted to the Air District prior to any building or site work. (TCAPCD ATCM 908 - *Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations*)
17. APCD Any construction activities, road construction, road maintenance, or grading that disturbs naturally occurring asbestos, serpentine, or ultramafic rock shall be subject to TCAPCD Rules and Regulations, Regulation IX, Rule 908 unless specifically exempted under Sections (C) or (D) (3). All dust mitigation requirements shall be implemented and maintained throughout the duration of the construction or grading activity.
Requirements for Road Construction and Road Maintenance Activities:
 - i. Equipment and operations must not cause any visible dust crossing project boundaries;
 - ii. Unpaved roads, area subject to vehicle traffic, storage piles, and disturbed areas shall be kept adequately wetted, treated with dust

ALLEY

suppressants, or covered with material that contains less than 0.25% asbestos;

- iii. Construction vehicle speeds shall be limited to 15 mph; and
- iv. Track out from any road construction project is prohibited on any paved public roadway.

- 18. APCD Exposed serpentine gravel is prohibited on the project site, unless exempted pursuant to TCAPCD Rules and Regulations, Regulation IX, Rule 904 Section (F) or Rule 908 Section (C) or (D)(3). No person shall use, apply, sell, supply, or offer for sale or supply any restricted material (as defined in subsection (I)(20) of Rule 904) for surfacing, unless it has been tested and determined to have an asbestos content that is less than 0.25 percent. Any roadway including road shoulders or any surface that is subject to vehicular travel or pedestrian access must be completely covered with non-restricted material. (*California Health and Safety Code, Sections 93105 and 93106*)
- 19. APCD Any aggregate rock used for surfacing material that contains greater than 0.25% asbestos shall be incorporated into or completely covered by asphalt concrete, Portland cement concrete, or other similarly cemented material. (TCAPCD ATCM 904 - *Asbestos ATCM for Surfacing Applications*)
- 20. APCD Existing county or State paved roads and streets adjacent to the construction site shall be cleaned as necessary to limit track out and prevent fugitive dust. (TCAPCD Rule 505 - *Conditional Approval*)
- 21. APCD Open burning of vegetation for land clearing purposes shall be prohibited without a valid burn permit from the District. (TCAPCD Rule 310.2(A) - *Land Development Clearing*)
- 22. APCD CARB mobile equipment regulations shall be adhered to for all diesel fired mobile sources used at this site during construction. (CCR Title 13 Section 2449 et al)
- 23. APCD Any diesel fired portable equipment used at this site during construction shall comply with the *ATCM for Diesel PM from Portable Engines Rated at 50 BHP or Greater*. (CCR Title 17 Section 93116)
- 24. SW All solid waste from construction activities shall be disposed of at facilities authorized by the Tuolumne County Board of Supervisors by resolution, including the Cal Sierra Transfer Station, the Pinecrest Transfer Station, or the Groveland Transfer Station. Solid waste that is not accepted at these facilities may be disposed of at an alternative facility that is permitted to receive the waste. (TCOC, Section 7.12.050)

Conditions to be met prior to the final building inspection:

- 25. LU The final project shall meet all requirements mandated by federal, state or local law. Federal or state law may require additional obligations beyond

ALLEY

that required by these conditions or local requirements, including additional analysis of environmental or other issues, over which the County has no control. (TCOC, Section 17.68.150)

- 26. LU The location of the wireless communication facility shall comply with the site plan approved by the Tuolumne County Planning Commission. The tower and support equipment shall be designed, constructed and finished in accordance with the plans approved by the Tuolumne County Planning Commission. Any significant deviation from the plans shall require approval of supplemental plans submitted by the applicant. (TCOC, Section 17.68.150)
- 27. BD All waste and debris shall be removed and disposed of in a lawful manner prior to final building inspection by the Division of Building and Safety. (TCOC, Section 17.53.120(B))
- 28. ED If applicable, drainage improvements shall be installed in accordance with approved drainage plans. (TCOC, Chapters 11.04 and 11.12)
- 29. ED If applicable, provide proof that slope and drainage easements have been obtained or provided in such locations as necessary to accommodate cut and fill slopes, setbacks, and flow from the site. Provide a 15-foot-wide drainage easement along all existing pipes that are not located in a road and public utility easements. (TCOC, Sections 12.20.270 and 12.20.280)

The following conditions also shall apply to the project site:

- 30. LU If installed, exterior lighting of the facility used for maintenance of the facilities shall be limited to manually-operated, or manned remote-operated lights, which shall be kept off except when personnel are actually present, and shall not illuminate the site at any other time. (TCOC, Section 17.53.140)
- 31. LU The tower and all buildings, poles, towers, antennas, antenna supports and other components of the wireless communication facility shall be painted earth tones or finished to match the surrounding vegetation and the environment. (TCOC, Section 17.53.120(A)(4))
- 32. LU The property owner shall be responsible for the satisfactory storage and removal of all garbage, refuse, rubbish and recyclables accumulated on the premises in compliance with Chapter 8 of the Tuolumne County Ordinance Code. (TCOC, Section 8.05.030)
- 33. LU Any unused space shall be made available for collocation of other telecommunication facilities, if the tower is structurally capable of supporting other equipment. (TCOC, Section 17.53.210(C))
- 34. EH The use or storage of hazardous materials on-site shall be in compliance with the California Health and Safety Code and all Federal laws (CHSC, Section 25501 and CFR Section 370.20)

ALLEY

35. EH If any hazardous materials are used or stored on site a permit shall be obtained from the Environmental Health Division of the Community Development Department, Certified Unified Program Agency (CUPA) for the handling, use, or storage of hazardous materials and/or hazardous wastes of reportable quantities at the site. (TCOC, Chapter 13.24; CHSC, Chapter 6.95; and CCR, Title 19)
36. FPD Vegetation clearance for fire hazard reduction shall be required around all new structures and along the access road. (TCOC, Section 17.53.180)
37. LU No vegetation shall be removed after construction of the communication facility that would increase the visibility of the facility except when required by the Fire Prevention Division to abate a fire hazard or authorized by the Community Development Department Director to prevent blocking transmission capabilities. (TCOC, Section 17.53.170)
38. LU The use of any portion of the wireless communication facility for signs other than warning or equipment information signs is prohibited. (TCOC, Section 17.53.130)
39. LU The noise levels generated by the project shall be restricted to the following exterior noise limits as measured at the property line:

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

¹L_{eq}. 1 hour refers to the average noise level measured over a one hour period. (TCOC, Section 17.53.190(C))

40. LU Exterior testing of equipment and maintenance activities shall take place only on weekdays between the hours of 8:30 a.m. and 4:30 p.m. This restriction shall not apply to emergency situations or to an impending failure of the communication system. (TCOC, Section 17.53.190(D))
41. LU The fencing, tower, equipment cabinets and associated structures shall receive regular maintenance as necessary to prevent the facility from assuming a dilapidated appearance. (TCOC, Section 17.68.150)
42. LU If the tower is not used or ceases to be used for a period of 18 months or more, it shall be considered abandoned and the use permit shall become null and void. In this event, the monopole tower, compound, structures and related equipment shall be removed immediately upon request by the

ALLEY

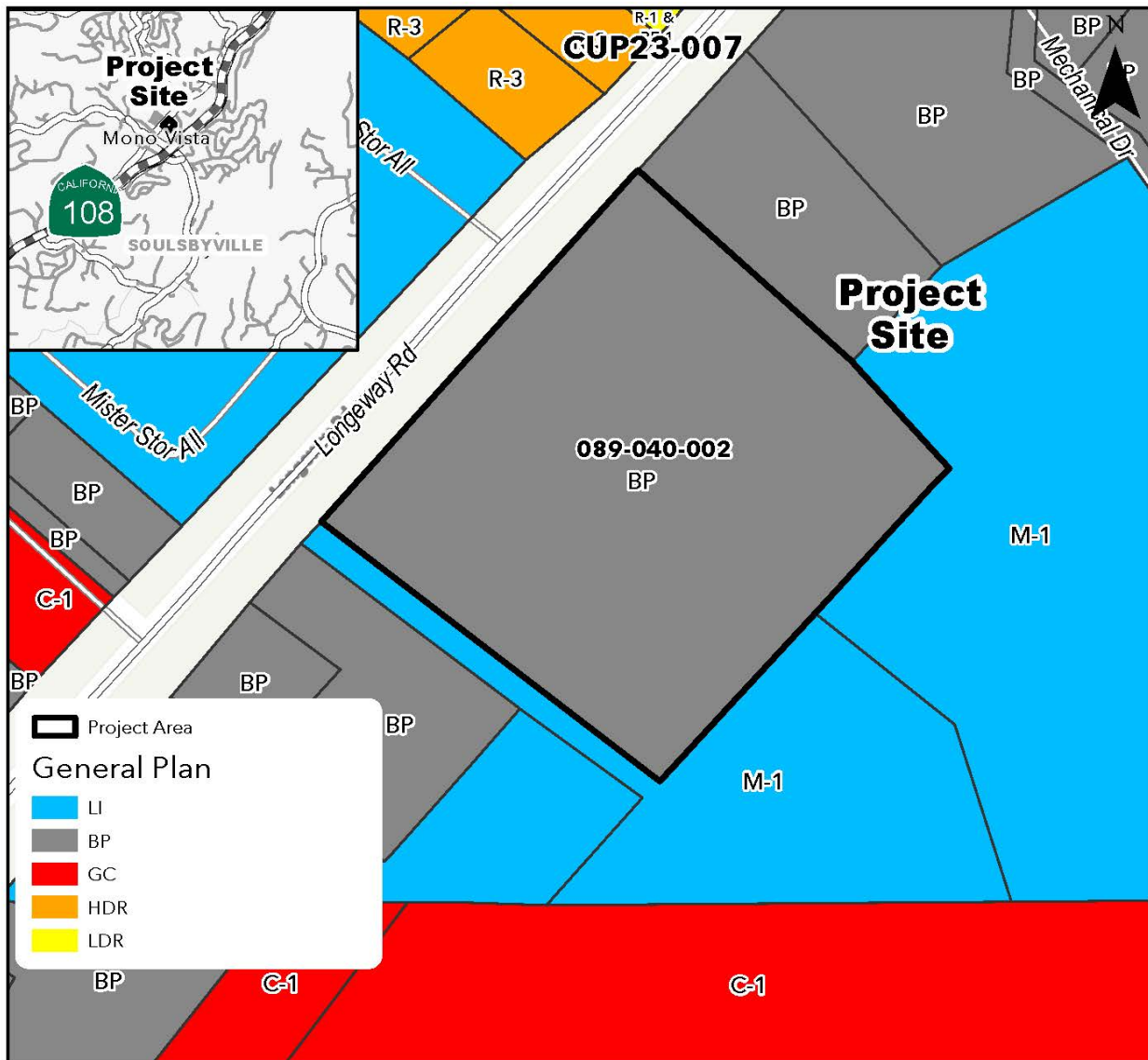
County. Reestablishment of the site shall require the issuance of a new Conditional Use Permit. (TCOC, Section 17.53.220)

- 43. LU Existing trees and other screening vegetation in the vicinity of the facility and along the access roads and power or communication line routes shall be protected from damage, both during the construction period and thereafter. Grading, cutting, filling, and the storage or parking of equipment or vehicles shall be prohibited in landscaped areas. (TCOC, Sections 17.53.170(B) and 17.53.170(B)(2))
- 44. LU All areas disturbed during project construction other than the access road or parking areas shall be replanted with vegetation compatible with the vegetation in the surrounding area. All vegetation on the site shall be maintained in a healthy and attractive condition. If any of the existing vegetation dies, it shall be replaced within six months with similar species of comparable size. (TCOC, Sections 17.53.170(C) and 17.53.170(D))
- 45. LU The visual surfaces of the facility, including but not limited to vaults, equipment rooms, utilities and, equipment enclosures, shall be constructed of non-reflective and non-flammable materials. (TCOC, Section 17.53.120(A)(1))
- 46. LU Support facilities shall not be taller than fifteen (15) feet in height and shall be designed to look like a building or facility typically found in the area the facility is located. (TCOC, Section 17.53.120(A)(2))

A Notice of Action shall be recorded for Conditions 1 through 46 to notify all owners of this parcel of the conditions of this entitlement and these responsibilities. Any violations observed by the Community Development Department during regular site inspections or in response to complaints shall be referred to the agency having jurisdiction over the condition for resolution or referred to the Code Compliance Officer for enforcement. (TCOC, Section 17.68.150)

COMMUNITY DEVELOPMENT DEPARTMENT CONTACT PERSON: Natalie Rizzi

Attachment 1: Agenda Map



Project: CUP23-007

Owner: Dave and Carol Alley

Applicant: Assurance Development for T-Mobile, Adrian Culici

APN: 089-040-002

Acres: 2.95± acres

Current Zoning: BP

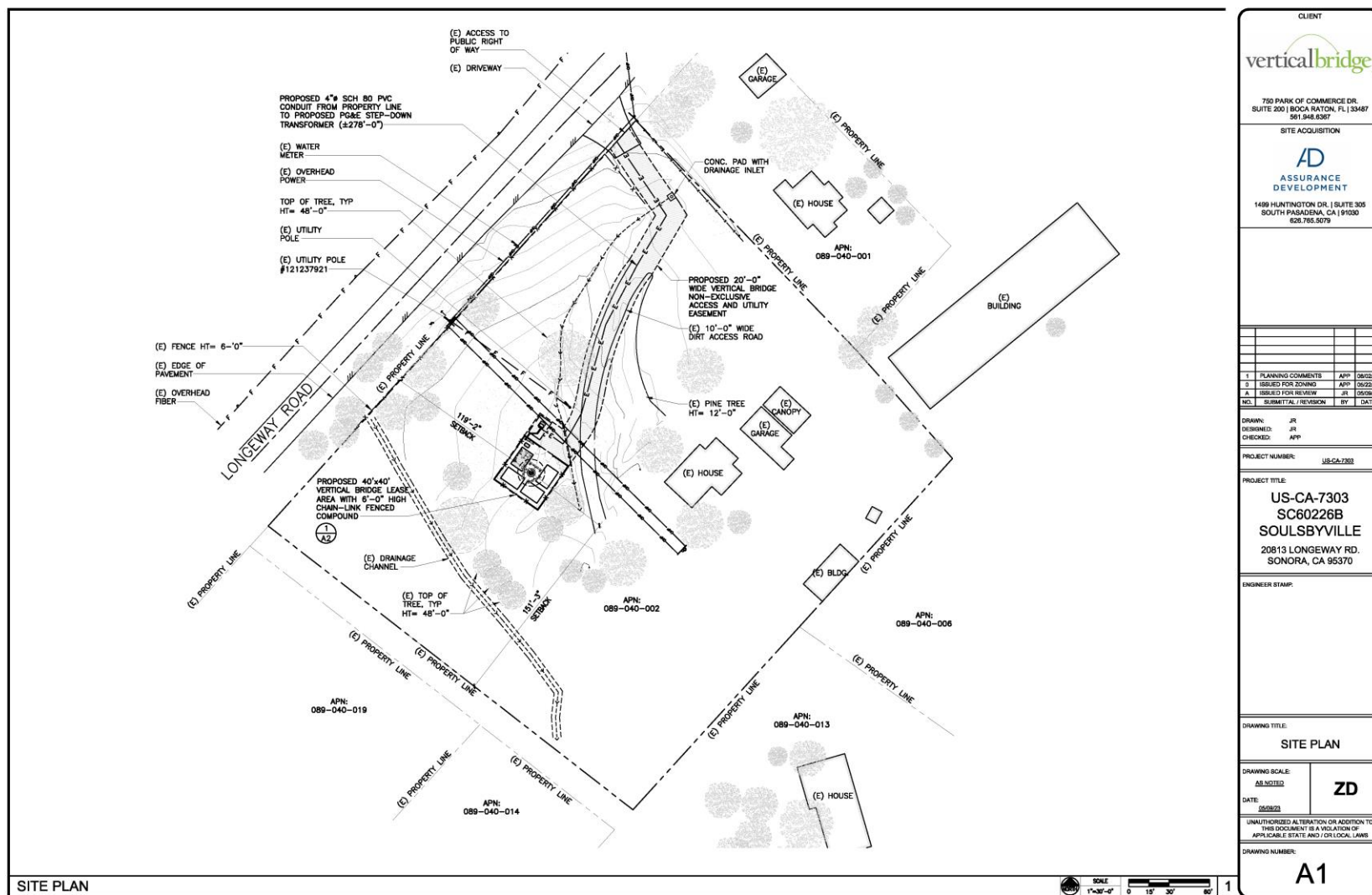
Current General Plan Designation: BP

Project Description: CUP23-007± to allow the construction of a new 105 ± foot wireless communications tower and related equipment with a 40± foot by 40± foot fenced area on project site which is zoned BP (Business Park).

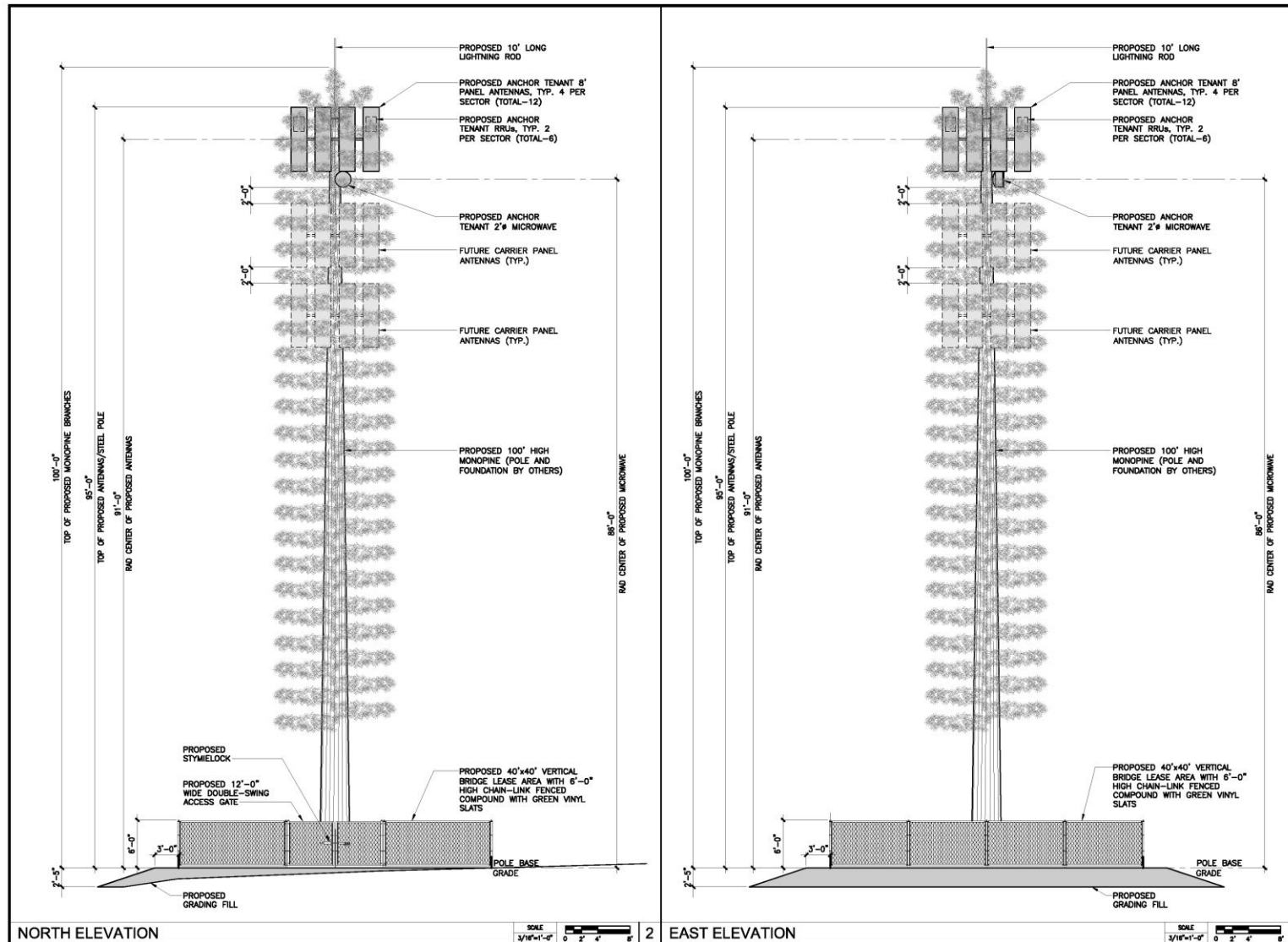
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Date Saved: 10/30/2023 2:31

Attachment 2: Site Plan



Attachment 3: Elevations



CLIENT																
verticalbridge																
750 PARK OF COMMERCE DR. SUITE 200 BOCA RATON, FL 33487 561.948.6387																
SITE ACQUISITION																
AD ASSURANCE DEVELOPMENT																
1499 HUNTINGTON DR. SUITE 305 SOUTH PASADENA, CA 91030 626.765.5279																
<table border="1"> <tr> <th>NO.</th> <th>REVISION</th> <th>DATE</th> </tr> <tr> <td>1</td> <td>PLANNING COMMENTS</td> <td>APP 08/08/23</td> </tr> <tr> <td>0</td> <td>ISSUED FOR ZONING</td> <td>APP 09/22/23</td> </tr> <tr> <td>A</td> <td>ISSUED FOR REVIEW</td> <td>JR 09/09/23</td> </tr> <tr> <td>NO.</td> <td>SUBMITTAL PROVISION</td> <td>BY DATE</td> </tr> </table>		NO.	REVISION	DATE	1	PLANNING COMMENTS	APP 08/08/23	0	ISSUED FOR ZONING	APP 09/22/23	A	ISSUED FOR REVIEW	JR 09/09/23	NO.	SUBMITTAL PROVISION	BY DATE
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A	ISSUED FOR REVIEW	JR 09/09/23														
NO.	SUBMITTAL PROVISION	BY DATE														
DRAWN:	JR															
DESIGNED:	JR															
CHECKED:	APP															
PROJECT NUMBER: US-CA-7303																
PROJECT TITLE:																
US-CA-7303 SC60226B SOULSBYVILLE 20813 LONGWAY RD. SONORA, CA 95370																
ENGINEER STAMP:																
DRAWING TITLE:																
ELEVATIONS																
DRAWING SCALE:	AS NOTED															
DATE:	09/08/23															
UNAUTHORIZED ALTERATION OR ADDITION TO THIS DOCUMENT IS A VIOLATION OF APPLICABLE STATE AND/OR LOCAL LAWS																
DRAWING NUMBER:																
A4																

Attachment 4: Visual Simulations

AERIAL MAP



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EXISTING



PROPOSED



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PHOTO PROVIDED BY: ASSURANCE DEVELOPMENT

 <p>DRAFTLINK CONTACT: JONIC YU EMAIL: JYU@DRAFTLINK.COM PHONE: 949-232-5045 WWW.DRAFTLINK.COM</p>	 <p>AD ASSURANCE DEVELOPMENT</p>	NO.	DATE	REVISIONS	BY		<p>US-CA-7303 SOULSBYVILLE 20813 LONGWAY ROAD SONORA, CA 95370</p>	VIEW	SHEET
		0	5/16/23	ISSUED FOR SUBMITTAL	JFY			A	1 / 6
		1	8/07/23	2 (N) VIEWS/GREEN SLATS	JFY				

AERIAL MAP



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<div> DRAFTLINK</div> <div>CONTACT : JOYCE YU EMAIL : SMS@DRAFTLINK.COM PHONE : 949-232-5645 WWW.DRAFTLINK.COM</div>	<div> ASSURANCE DEVELOPMENT</div>	NO.	DATE	REVISIONS	BY		US-CA-7303 SOULSBYVILLE 20813 LONGEWAY ROAD SONORA, CA 95370	VIEW	SHEET
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			8/07/23	2 (N) VIEWS/GREEN SLATS	JFY				

AERIAL MAP



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		0	5/16/23	ISSUED FOR SUBMITTAL	JFY
		1	8/07/23	2 (N) VIEWS/ GREEN SLATS	JFY



US-CA-7303
SOULSBYVILLE
20813 LONGEWAY ROAD
SONORA, CA 95370

VIEW	SHEET
C	3 / 6

AERIAL MAP



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 DRAFTLINK CONTACT : JOYCE YU EMAIL : JYU@DRAFTLINK.COM PHONE : 949-232-5045 WWW.DRAFTLINK.COM	 AD ASSURANCE DEVELOPMENT	NO.	DATE	REVISIONS	BY		<p>US-CA-7303 SOULSBYVILLE 20813 LONGEWAY ROAD SONORA, CA 95370</p>	VIEW	SHEET
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		1	8/07/23	2 (N) VIEWS/GREEN SLATS	JFY				

AERIAL MAP



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 CONTACT: JOYCE YU EMAIL: JIMSDRAFTLINK.COM PHONE: 949.232.5045 WWW.DRAFTLINK.COM		NO.	DATE	REVISIONS	BY		US-CA-7303 SOULSBYVILLE 20813 LONGWAY ROAD SONORA, CA 95370	VIEW	SHEET
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AERIAL MAP



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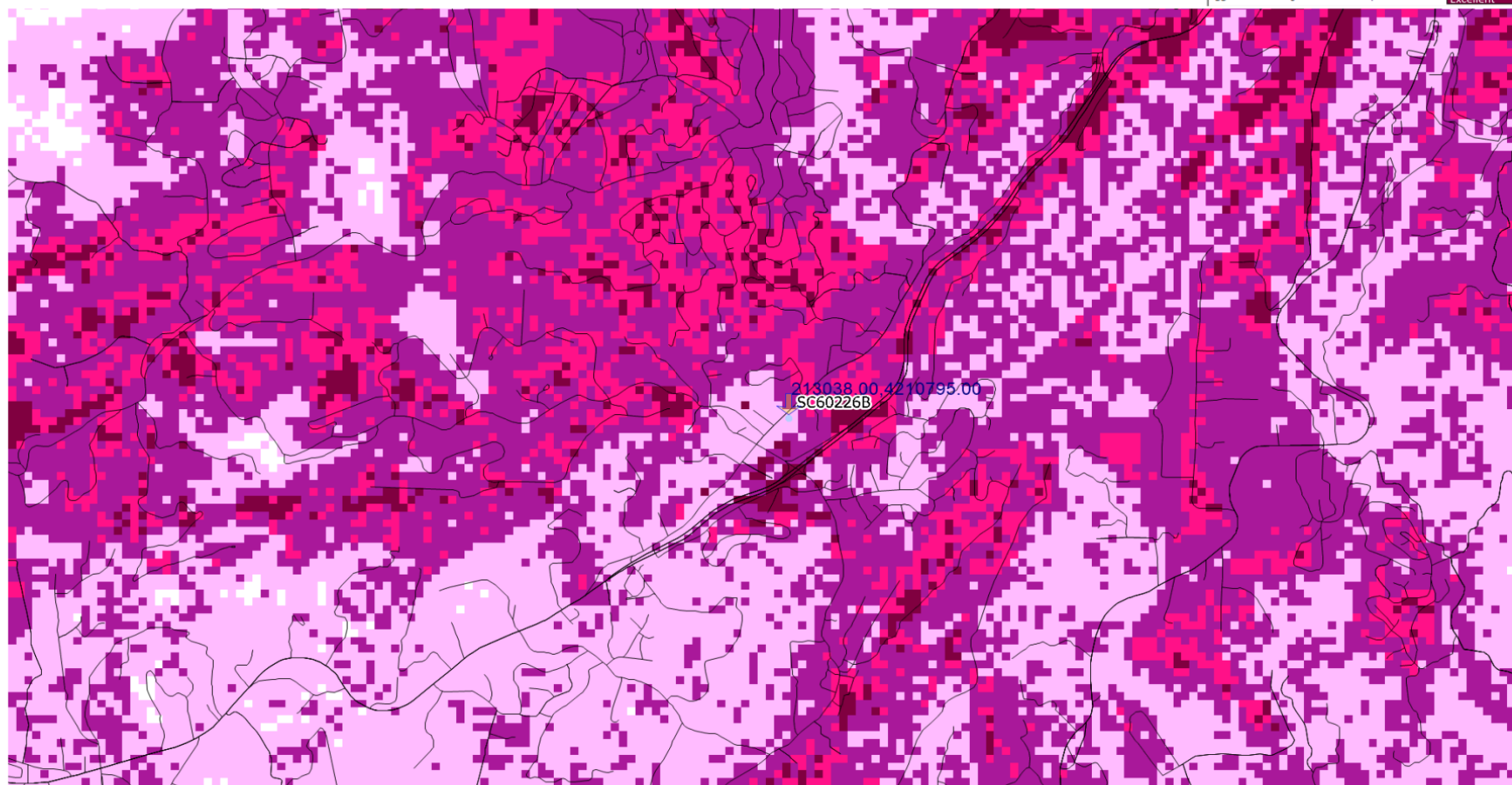
PHOTO PROVIDED BY: ASSURANCE DEVELOPMENT

 CONTACT: JOYCE YU EMAIL: JYU@DRAFTLINK.COM PHONE: 949.232.5045 WWW.DRAFTLINK.COM	 ASSURANCE DEVELOPMENT	NO.	DATE	REVISIONS	BY		US-CA-7303 SOULSBYVILLE 20813 LONGWAY ROAD SONORA, CA 95370	VIEW	SHEET
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		1	8/07/23	2 (IN) VIEWS/GREEN SLATS	JFY				

Attachment 5: Coverage Service Maps

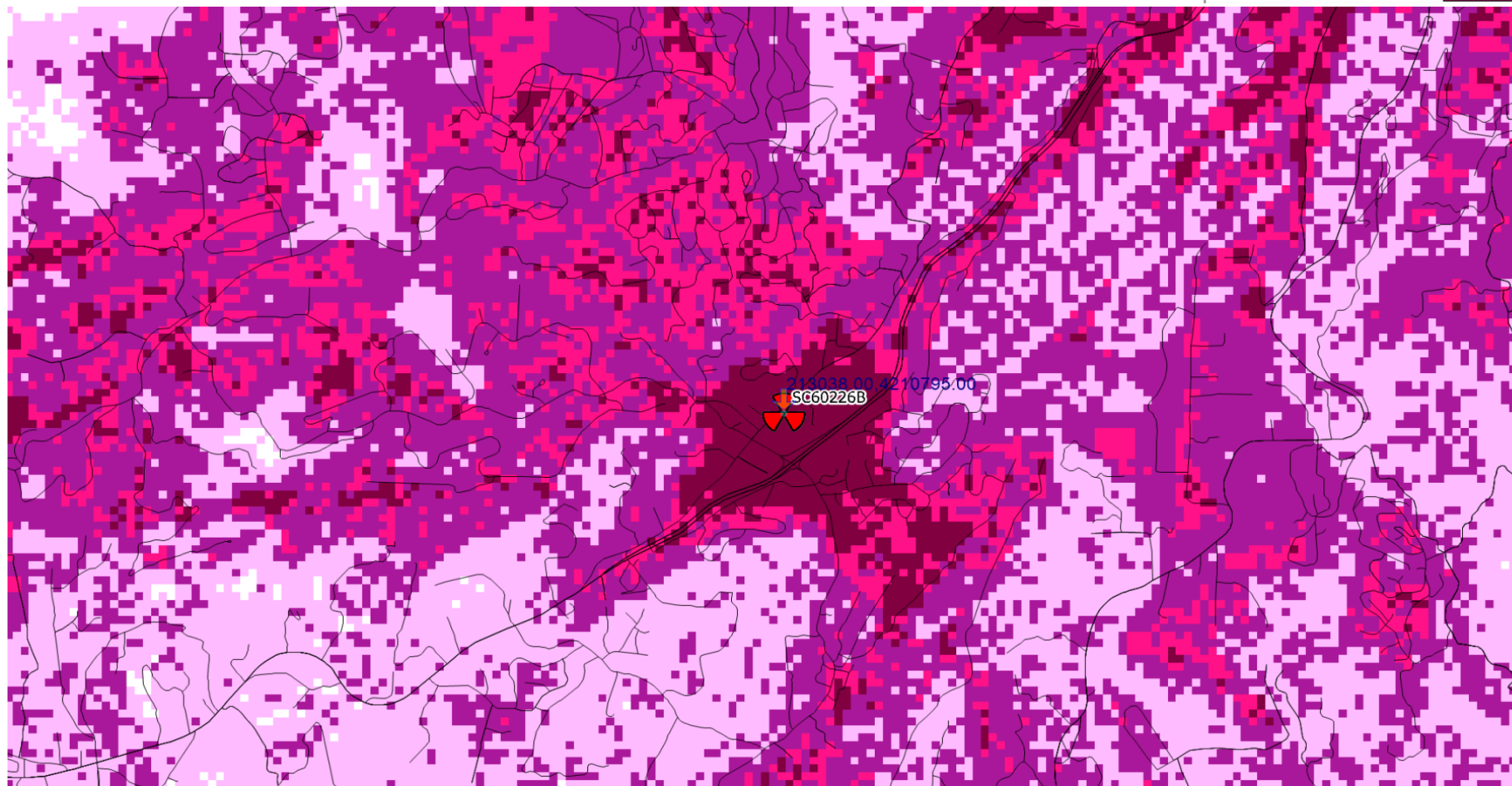
SC60226B - Existing Coverage with Legend

Ranges			
Minimum	Maximum	Label	Colour
-114	-107	4	No coverage
-107	-97	3	Poor
-97	-88	2	Good
-88	0	1	Excellent



SC60226B - Proposed Coverage with Legend

Ranges			
Minimum	Maximum	Label	Colour
-114	-107	4	Intermittent
-107	-97	3	Poor
-97	-88	2	Good
-88	0	1	Excellent



Slide 4

T-Mobile Confidential

T-Mobile



OFFICE OF ENVIRONMENTAL COORDINATOR

Quincy Yaley, AICP
Environmental Coordinator

NOTICE OF EXEMPTION

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

PROJECT TITLE: Conditional Use Permit CUP23-007

**PROJECT
PROPONENT:** Assurance Development
1499 Huntington Drive, #305
S Pasadena, CA 91030

LOCATION: The project site is located at 20815 and 20813 Longeway Road, approximately 680± feet northeast of the intersection of Soulsbyville Road and Longeway Road. The project site is located within a portion of Section 25, Township 2 North Range 15 East and Section 30, Township 2 North, Range 16 East, Mount Diablo Baseline and Meridian. The site is located within Supervisorial District 2. Assessor's Parcel Number 089-040-002.

COUNTY: Tuolumne

**PROJECT
DESCRIPTION:** Conditional Use Permit CUP23-007 to allow the construction of a new 105± foot tall wireless communications tower and related equipment within a 40± foot by 40± foot fenced area on Assessor's Parcel Number 089-040-002. The project site is a 2.95± acre parcel zoned BP (Business Park) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

**APPROVING
AGENCY:** Tuolumne County

EXEMPT STATUS (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268)
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a))
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- ☒ Categorical Exemption Sec. 15303
- ☐ Exemptions.

RATIONALE FOR EXEMPTION: After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the *State CEQA Guidelines*. The project consists of construction of a wireless telecommunications tower facility not exceeding 2,500 square feet in floor area, and does not involve the use of significant amounts of hazardous substances. None of the exceptions to the use of a categorical exemption found in Section 15300.2 of the *State CEQA Guidelines* apply to this project.

LEAD AGENCY CONTACT: Natalie Rizzi

TELEPHONE NUMBER: (209) 533-5633

Signature: _____
Quincy Yaley, AICP
Environmental Coordinator

Date: _____

September 8, 2023

Natalie Rizzi, Senior Planner
Tuolumne County Community Development Department
2 South Green Street
Sonora, CA 95370

RE: Tuolumne County Air Pollution Control District (District) Comments – Conditional Use Permit CUP23-007

Dear Ms. Rizzi,

The Tuolumne County Air Pollution Control District (District) is providing the following comments for the Conditional Use Permit CUP23-007 to allow the construction of a new 100 ft tall wireless communications tower and related equipment within a 40 ft by 40 ft fenced area on Assessor's Parcel Number 089-040-002, located between 20815 and 20813 Longeway Road, Tuolumne County.

1. Any construction or site activities that create fugitive dust emissions shall implement dust suppression methods using either water or chemical stabilizer/suppressants. A water truck or other dust suppression equipment shall be on site at all times. The frequency of dust suppression measures shall be dependent on whether visible dust emissions are present. (TCAPCD Rule 505 - *Conditional Approval*)
2. Should serpentine or ultramafic rock be found on site, a Dust Mitigation Plan pursuant to Air District Rule 908 - *Asbestos ATCM*, shall be submitted to the Air District prior to any building or site work. (TCAPCD ATCM 908 - *Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations*)
3. Any construction activities, road construction, road maintenance, or grading that disturbs naturally occurring asbestos, serpentine, or ultramafic rock shall be subject to TCAPCD Rules and Regulations, Regulation IX, Rule 908 unless specifically exempted under Sections (C) or (D) (3). All dust mitigation requirements shall be implemented and maintained throughout the duration of the construction or grading activity.
 - a. Requirements for Road Construction and Road Maintenance Activities:
 - i. Equipment and operations must not cause any visible dust crossing project boundaries;
 - ii. Unpaved roads, area subject to vehicle traffic, storage piles, and disturbed areas shall be kept adequately wetted, treated with dust suppressants, or covered with material that contains less than 0.25% asbestos;
 - iii. Construction vehicle speeds shall be limited to 15 mph; and
 - iv. Track out from any road construction project is prohibited on any paved public roadway.

4. Exposed serpentine gravel is prohibited on the project site, unless exempted pursuant to TCAPCD Rules and Regulations, Regulation IX, Rule 904 Section (F) or Rule 908 Section (C) or (D)(3). No person shall use, apply, sell, supply, or offer for sale or supply any restricted material (as defined in subsection (I)(20) of Rule 904) for surfacing, unless it has been tested and determined to have an asbestos content that is less than 0.25 percent. Any roadway including road shoulders or any surface that is subject to vehicular travel or pedestrian access must be completely covered with non-restricted material. (*California Health and Safety Code, Sections 93105 and 93106*)
5. Any aggregate rock used for surfacing material that contains greater than 0.25% asbestos shall be incorporated into or completely covered by asphalt concrete, Portland cement concrete, or other similarly cemented material. (TCAPCD ATCM 904 - *Asbestos ATCM for Surfacing Applications*)
6. Existing county or State paved roads and streets adjacent to the construction site shall be cleaned as necessary to limit track out and prevent fugitive dust. (TCAPCD Rule 505 - *Conditional Approval*)
7. Open burning of vegetation for land clearing purposes shall be prohibited without a valid burn permit from the District. (TCAPCD Rule 310.2(A) - *Land Development Clearing*)
8. CARB mobile equipment regulations shall be adhered to for all diesel fired mobile sources used at this site during construction. (CCR Title 13 Section 2449 et al)
9. Any diesel fired portable equipment used at this site during construction shall comply with the *ATCM for Diesel PM from Portable Engines Rated at 50 BHP or Greater*. (CCR Title 17 Section 93116)

If you have any questions or need additional information, please call me at (209) 533-6678 or email to krasmussen@co.tuolumne.ca.us.

Sincerely,

Kent Rasmussen
Air Pollution Control Specialist

c. Kelle Schroeder, Air Pollution Control Officer

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 5, 2023

Natalie Rizzi
Planner
Tuolumne County
Community Development Department
2 S. Green Street
Sonora, CA 95370

TUO- 108 -PM 7.636
Conditional Use Permit
CUP23-007 – Assurance
Development

Dear Ms. Rizzi,

California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on Conditional Use Permit CUP23-007 to allow the construction of a new 100 foot tall wireless communications tower and related equipment within a 40 foot by 40 foot fenced area located at 20815 and 20813 Longeway Road, 680 feet northeast of the intersection of Soulsbyville Road and Longeway Road.

Caltrans has the following comments:

We do not have any comments at this time. The potential project will not impact the State Route (SR) based on the project type and distance to the nearest State Route.

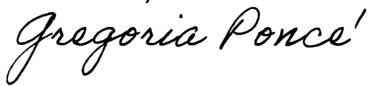
Encroachment Permits

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 include an analysis of 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>.

Natalie Rizzi
September 5, 2023
Page 2

Please contact David Karnes at (209) 986-9830 (david.karnes@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 fluid and cursive, with the first letter of each word being capitalized and prominent.

Gregoria Ponce'
Chief, Office of Rural Planning

c: David Ruby, Tuolumne County Planning Manager

From: [Karnes, David@DOT](mailto:Karnes.David@DOT)
To: [Natalie Rizzi](#)
Cc: [Ponce, Gregoria@DOT](#); [David Ruby](#)
Subject: Conditional Use Permit CUP23-007 Assurance Development (T Mobil) Cell Tower - Alley
Date: Tuesday, September 5, 2023 10:09:03 AM
Attachments: [TUO -108- PM 7.63 CUP23-007 Assurance.pdf](#)

Good morning Ms. Rizzi,

I hope all is well. Caltrans appreciates the opportunity to review Conditional Use Permit CUP23-007 located at 20815 and 20813 Longeway Road, approximately 680 ft northeast of the intersection of Soulsbyville Road and Longeway Road. Caltrans does not have any comments at this time. The potential project will not impact the State Route (SR) based on the project type and distance to the nearest State Route. Thank you and I hope you have a great day!

Regards,

David Karnes
Transportation Planner, Office of Rural Planning
California Department of Transportation
District 10
Stockton, CA 95205
209-986-9830



Department of Public Works

Kim MacFarlane, P.E.
Director
Blossom Scott-Heim, P.E.
Assistant Director

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

MEMORANDUM

Date: September 19, 2023

To: Natalie Rizzi, Senior Planner

From: Juan Maya, Engineer
Blossom Scott-Heim, P.E., Assistant Director *BSH*

Re: CUPH23-007, Alley
Assessor's Parcel No.: 089-040-002
Site Address: 20815 and 20813 Longeway Road, Sonora

Conditional Use Permit CUP23-007 seeks to allow the construction of a new 100± foot tall wireless communications tower and related equipment within a 40± foot by 40± foot fenced area on Assessor's Parcel Number 089-040-002. The project site is a 2.95± acre parcel zoned BP (Business Park) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

The following conditions apply to this Conditional Use Permit:

1. A Grading Plan shall be submitted to the Engineering Division of the Department of Public Works for review and approval (TCOC, Section 12.20.140).
2. Submit to the State Water Resources Control Board Storm Water Permitting Unit, a Notice of Intent (NOI) to obtain coverage under the General Construction Activity Storm Water Permit (California's National Pollutant Discharge Elimination System (NPDES) General Permit for construction related storm water discharge) for the disturbance of one acre or more. Disturbances of less than one acre may also require an NOI for coverage under the NPDES General Permit for construction related storm water discharge and the State Water Resources Control Board Water Permitting Unit shall be contracted for determination of permit requirements. Commercial and Industrial developments may require an NOI even if less than one acre and should be submitted to SWRCB. Obtain an NOI or an exemption from requirements.
3. A Grading Permit shall be obtained from the Engineering Division of the Department of Public Works prior to any grading (TCOC, Section 12.20.050).
5. Provide proof that slope and drainage easements have been obtained or provided in such locations as necessary to accommodate cut and fill slopes, setbacks, and flow from the site (TCOC, Section 12.20.270-280).

Also provide a 15-foot wide drainage easement along all existing pipes that are not located in a road and public utility easement (TCOC, Section 16.24.180).
6. An Encroachment Permit shall be obtained from the Engineering Division of the Department of Public Works for any work that may be proposed within the County road right-of-way along Longeway Road (TCOC, Section 12.04).
9. Prior to the construction of any site improvements or grading on the site, all property corners shall be monumented and clearly visible. Where a clear line of sight between lot corners is not

ADMINISTRATION

Assistant to the
Department Head
Emma Hawks
209.694.2718

AIRPORTS

Airport Manager
Drew Njirich
209.533.5685

BUSINESS

Business Manager
Janelle Kostlivy
209.533.5972

ENGINEERING AIRPORTS

Assistant Director
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

Superintendent of
Roads and Fleet
Mike Cognetti
209.533.5609

SOLID WASTE

209.533.5588

SURVEYING

County Surveyor
Warren Smith, L.S.
209.533.5626

possible, appropriate markers shall be set along the property line to mark the boundaries while construction is in progress (TCOC, Section 12.20).

10. All soils disturbed by clearing and grubbing and/or grading shall be reseeded or hydro-mulched or otherwise stabilized as soon as possible, and emergency erosion control measures shall be utilized as requested by County officials (TCOC, Title 12).

11. The applicant shall submit an erosion control plan for any construction to take place (TCOC, Title 12).

14. Drainage improvements shall be installed in accordance with approved drainage plans. (TCOC Sections 11.04, 11.12, 16.26.180)

15. Exposed serpentine gravel is prohibited on the construction site. (17 California Code of Regulations, Section 93106)

16. The Contractor shall be responsible for dust abatement during construction and development operations. A water truck or other watering device shall be on the project site on all working days when natural precipitation does not provide adequate moisture for complete dust control. Said watering device shall be used to spray water on the site at the end of each day and at other intervals, as need dictates, to control dust (TCOC, Section 12.20.370).



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Dave Wood, County Fire Chief
Andy Murphy, Assistant County Fire Chief

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Tel: (209) 533-5118 • Fax: (209) 533-5103

September 14, 2023

To: Natalie Rizzi, LUNR

From: Steve Gregory, Senior Fire Inspector

Re: Alley CUP23-007
APN 089-040-002

After reviewing the above application, I offer the following comments:

1. Vegetation clearance for fire hazard reduction shall be required around all new structures and along access roads. (TCOC 17.53.180)

A more in depth plan review will be conducted upon application for a building permit.

If you have any questions or concerns, please feel free to contact me.

hours. Any comments received after this date are still accepted and part of the record and decision-making process.

Please utilize the following link or scan the QR code to sign up and receive future notices that may include the above-mentioned project. Wireless communication facilities are required to go before the Tuolumne County Planning Commission:

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



Planning Stakeholder Notification letters are posted at the following link:

<https://www.tuolumnecounty.ca.gov/1512/Planning-Stakeholder-Notifications>



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

AGENCY: Resident

COMMENTS: There is already a tower with in
eyesight of the proposed new one. I am
not feeling that a new tower is necessary

RECEIVED

SEP 19 2023

**Community Development
Department**

Signed by: _____

Agency: _____

Date: _____

From: [Michael Atilas](#)
To: [Natalie Rizzi](#)
Subject: Conditional use permit CUP23-007
Date: Wednesday, September 20, 2023 9:16:55 PM

Hello, We're concerned about the 100+ foot tall, wireless communication tower to be erected at 20815 and 20813 Longeway Rd., for these reasons:

1. There are a lot of residential homes in the neighborhood and I have been reading up on health issues due to long-term exposure to the radio frequency that the towers put out and we don't want the possibility to be exposed to that.

2. It wasn't explained in the letter what type of panels will be installed, and how much output will be coming from them. Also, I believe that once a tower is installed, it could be added to an it could be heightened without first notifying and getting input from the surrounding community.

3.

The installation of a wireless communication tower affects property values in the surrounding area. Also, I'm not certain why it would be installed in the flat area instead of up on one of the hilltops. For these reasons, we are not in favor of it being installed at 20815 and 20813

Longeway Rd.

Thank you for allowing us opportunity to voice her opinion.

From: [Brice Canaday](#)
To: [Natalie Rizzi](#)
Subject: RE: Parcel # 089-040-002
Date: Friday, September 8, 2023 1:21:09 PM

In regards to the proposed tower, we definitely are against it. We have a large tower already in Soulsbyville and would not like to have another so close to our home. Many new studies are coming out about 5G and how bad it is for our bodies. The radiation and other things these towers have been tied to are extremely hazardous. Please do not approve for the sake of our children and family members.

Yours Truly,

Dena Canaday

From: [Sarah Stafford](#)
To: [Natalie Rizzi](#)
Subject: Assurance Development for T-Mobile
Date: Thursday, September 21, 2023 4:28:10 PM

Ms. Rizzi,

I am emailing with my comments regarding the application for the project site 20815 and 20813 Longeway Road.

I am vehemently opposed to a cell tower being erected at this location. Our home is located in very close proximity and are raising our young kids here. We are highly concerned regarding the long-term health risks that a 5G cell tower poses to ourselves and our children, as well as the other children living in close proximity to the proposed project site.

The Environmental Health Trust states: “Wireless companies warn their shareholders of the risk of cell phone and cell tower radiation but they do not warn consumers. They do not warn the people living in homes near cell towers regarding the fact that hundreds of scientists are cautioning that cell towers can have health effects. Wi-Fi, cell phones, and 5G in the classroom as well as cell towers on school property present serious liability issues due to the lack of long term safety data.

[Insurers](#) rank 5G and electromagnetic radiation as a “high” risk, comparing the issue to lead and [asbestos](#). A 2019 Report by [Swiss Re Institute](#), a world leading provider of insurance, classifies 5G mobile networks as a “high”, “off-the-leash” risk stating, “Existing concerns regarding potential negative health effects from electromagnetic fields (EMF) are only likely to increase. An uptick in liability claims could be a potential long-term consequence” and “[a]s the biological effects of EMF in general and 5G in particular are still being debated, potential claims for health impairments may come with a long latency.” ” (<https://ehtrust.org/liability-and-risk-from-5g-and-cell-towers/>)

In addition, Physicians for Safe Technology published and reviewed numerous studies on their website (<https://mdsafetech.org/cell-tower-health-effects/>) which support our concerns regarding this project.

Numerous counties have adopted laws protecting communities from cell towers being erected in certain areas (<https://ehtrust.org/local-cell-tower-laws-that-protect-communities/>). This is not only to protect the people but also property since close cell tower proximity can decrease property values.

I urge the CDD to consider all of the above issues and to protect the surrounding people and families who not only do not benefit from this tower but in fact could be harmed by it.

Thank you for your attention and consideration.

Best,

Sarah Stafford

SURFACE/MINERAL

RIGHTS OWNER: Sam & Christine Taylor

APPLICANT: Sam & Christine Taylor [(209) 595-8332]

DATE: November 3, 2023

PROJECT AND LOCATION

PROJECT

DESCRIPTION: Ordinance for Zone Change RZ23-007 to rezone a 10.16± acre parcel (APN 085-060-044) from RE-5:MX (Residential Estate, 5-Acre Minimum:Mobilehome Exclusion Combining District) to A-10:MX (General Agricultural, 10-Acre Minimum:Mobilehome Exclusion Combining District).

LOCATION: The project site is located at 22170 Vilas Lane in the unincorporated area of the County northeast of the City of Sonora. Within a portion of Section 16, Township 2 North, and Range 15 East, Mount Diablo Baseline and Meridian. Within Supervisorial District 1. Assessor's Parcel Number 085-060-044.

SITE DESCRIPTION

The project site is located at 22170 Vilas Lane in the unincorporated area of the County northeast of the City of Sonora. The site of the zone change contains a single-family-dwelling and undeveloped rocky forested area. Trees found in the area include a combination of live, blue, and black oak trees. Other trees also found in the area include Grey and Ponderosa pine, and Manzanita trees. The surrounding land-uses include rural residential development, and forested rocky slopes.

ZONE CHANGE FINDINGS

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 information to support Staff's recommendation to approve the proposed project.

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

1. The project site contains the Rural Residential (RR) General Plan land use designation. The RR designation provides country-estate style living conditions while maintaining large areas of open space dedicated to agricultural pursuits, grazing, or left undisturbed. This designation is found in areas which have limited public services and serves as a buffer between urban and urbanizing areas and agricultural land. The typical uses allowed in the RR designation include one single family dwelling per parcel, one secondary dwelling per parcel, agricultural uses, such as crop production and grazing, roadside stands for agricultural products, and public facilities.
2. Table 1.3 of the Technical Background Report of the 2018 Tuolumne County General Plan indicates that the existing Rural Residential (RR) General Plan land use designation on the project site is compatible with the proposed A-10:MX zoning district. Therefore, the proposed project is consistent with the Tuolumne County General Plan.

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

1. Zone Change RZ22-007 proposes to rezone a 10.16± acre parcel from RE-5:MX to A-10:MX. The purpose of the A-10 district is to provide for country-estate living on parcels less than twenty acres

TAYLOR

in area while maintaining areas for the commercial production of food and fiber where such agricultural uses can exist with the encroachment of incompatible land uses. Development in this zone must comply with Title 15 of this Code relative to fire safety standards. The minimum size requirement in the A-10 district is 10 gross acres. The project site is 10.16± acres in size, which meets this requirement. The site contains one single-family dwelling, which is consistent with the A-10 zoning. The zone change eliminates the potential for the property to be divided, which staff supports due to its location at the end of a non-through road.

2. The Mobilehome Exclusion Combining District, or (:MX) District is intended to be combined with any principal zoning district in which the use of older mobilehomes as residences on individual parcel would conflict with the aesthetic, social or economic development of any such principle zoning district. Within this combining district, no mobilehome may be used as a permanent residence on any individual parcel unless it is installed on a foundation system as set forth in the most current edition of the California Building Code and in accordance with section 18551 of the California Health and Safety Code, with skirting around the mobilehome, and no more than ten years have elapsed between the date of the manufacture of the mobilehome and the date of the application for the building permit to install the mobilehome. There are no mobile homes on the site. Any future proposed mobile homes would be required to comply with the :MX zoning regulations indicated above, as contained in Chapter 17.48 of the TCOC.

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

1. On July 14, 2023, twenty five adjoining property owners within 1,000 feet were notified of the project via mail. The CDD received no responses on the proposed project.
2. The proposed project has been reviewed by the County of Tuolumne Public Works, Tuolumne Utilities District, and the California Department of Transportation. All agencies that reviewed this project either had no comments or no objection to the proposed zone change.
3. Pursuant to Table 14.10(B) of the Ordinance Code, a cultural resources study is required when certain indicators are found on a project site, which include a site containing or being adjacent to a parcel that contains known archaeological or historic sites, the presence of rock retaining walls, evidence of historic era mining, evidence of Native American habitation, structures older than 50 years, or a site within 100 meters of a river, spring, perennial or intermittent stream, as indicated by a blue line on the USGS quadrangle maps.

There have been cultural reports previously conducted on the site and in the area which have concluded that artifacts have not be found on this specific parcel. As no development is proposed with this project, no additional studies are required.

4. The Tuolumne County Wildlife Habitat Maps indicate that Montane Hardwood (mhw) and Residential Park (rsp) habitats are present on site. All listed habitat types on the project site are third priority habitats which are considered to be relatively low value to wildlife.

The project is not proposing any development and therefore no vegetation would be removed as a result of the zone change, and no habitat would be impacted by the zone change. The proposed Zone Change is rezoning the parcel to a less intensive zoning designation. There would be no impact to wildlife or biological resources.

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

1. 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

TAYLOR

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 project proposes to rezone a site that if approved, would reduce the development potential of the property. A 10.16 acre property with a land use designation of Rural Residential and zoned RE-5 could be divided into two parcels through the review and approval of a Parcel Map. However, that same site zoned A-10 could not be divided, because the minimum parcel size increases from five acres to ten acres. Therefore, because less development could occur with the zone change, there is no possibility that the project will have an impact on the environment.

2. The CEQA Guidelines contain exceptions that if present on a project site, prevent a project from proceeding with an exemption. These exceptions are listed in Section 15300.2 and include situations such as a project resulting in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway, or being listed as having documented hazardous waste on the site. None of the exceptions listed in Section 15300.2 are present on the site to disqualify this project from utilizing an CEQA exemption.

RECOMMENDATION

Community Development Department Staff recommends approval of Zone Change RZ23-007 based upon the following findings pursuant to 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 districts.
- D. The project is exempt from further environmental review pursuant to Section 15061(b)(3) of the *State CEQA Guidelines*.

PREPARED BY: Clark Sintek, Planner I



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

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

DATE: November 15, 2023
TO: Tuolumne County Planning Commission
FROM: Taryn Vanderpan, Commission Secretary
SUBJECT: Minutes of the Meeting of November 1, 2023

The Minutes of the meeting of November 1, 2023, will be emailed to you under separate cover later this week. Please give me a call at 533-5635 if you have any questions or concerns; and thank you for your patience.