



# 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

March 6, 2024

6:00 p.m.\*

48 Yaney Avenue, Sonora  
Mailing: 2 S. Green Street  
Sonora, CA 95370  
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**\* 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](mailto:CDD@tuolumnecounty.ca.gov)) for retention as part of the administrative record. Comments will not be read during the meeting.

### 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\*\*

#### 2. Report from the Agricultural Advisory Committee Representative

#### 3. Minutes of the Meeting of November 1, 2023 and November 15, 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:** No Public Hearing Items.

### NEW ITEMS:

1. Presentation and Consideration of providing feedback on the Tuolumne County Ordinance Code Title 17 Update Project.

*NOTE: County staff is presenting this project to the Planning Commission in two parts. Part One, during the regular TCPC meeting on March 6<sup>th</sup>, Staff will provide the Commissioners and public the overarching framework of the code update, its origins rooted in the 2019 General Plan Update, and outline key components of the updated code language. In Part Two at the TCPC meeting on March 20<sup>th</sup>, Staff will respond to any questions the Commissioners and*

*public may have after reviewing the draft documents and ask the Commissioners to make a recommendation to the Board of Supervisors.*

**~~\*Agenda Materials will be posted March 4, 2024~~**

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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](http://www.tuolumnecounty.ca.gov).

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

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

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# COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP  
Director

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

March 3, 2024

To: Tuolumne County Planning Commission

From: Quincy Yaley, AICP, Community Development Department Director

RE: Presentation and Consideration of providing feedback on the Tuolumne County Ordinance Code Title 17 Update Project

48 Yaney Avenue, Sonora  
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*NOTE: County staff is presenting this project to the Planning Commission in two parts. Part One, during the regular TCPC meeting on March 6<sup>th</sup>, Staff will provide the Commissioners and public the overarching framework of the code update, its origins rooted in the 2019 General Plan Update, and outline key components of the updated code language. In Part Two at the TCPC meeting on March 20<sup>th</sup>, Staff will respond to any questions the Commissioners and public may have after reviewing the draft documents and ask the Commissioners to make a recommendation to the Board of Supervisors. If there are specific recommendations the Planning Commission would like to make on certain topics, staff will highlight those to the Board of Supervisors.*

1. Tuolumne County is updating Title 17, Zoning, of the County Code of Ordinances to align with the goals of the 2018 General Plan Update Project. The Zoning Code Update also addresses the following goals identified by the County:
  - Implement Tuolumne County 2018 General Plan land use policies.
  - Meet goals identified in the County's Senate Bill 2 Planning Grants Program application, including addressing Accessory Dwelling Units and streamlining the housing approval process.
  - Be consistent with State and federal law.
  - Create an intuitive document that is user-friendly.
  - Create a standard, transparent, predictable, and consistent process.
  - Respond to community concerns.
  - Promote infill, mixed-use, and development in Identified Communities.
2. County staff and the project consultant, Placeworks, have worked with the Planning Committee, Housing Policy Committee, Planning Commission, and Board of Supervisors on the project in over ten workshops and meetings. Public input was also sought on draft chapters, and specific comments were discussed during public meetings. Due to the need to complete the County's Climate Action Plan (CAP), this project was put on hold to allow staff time to finish that project. Since the completion of the CAP, the Title 17 Update project has been going through reviews by the Community Development Department Staff, County Counsel, and the consultant.
3. The proposed project would replace the existing Title 17, Zoning, of the County Code of Ordinances to align with the goals of the 2018 General Plan Update. The update will also affect references in other sections of the code because the numbering of the provisions has changed to reflect the new code. The proposed code is available on the project website: <https://www.tuolumnecounty.ca.gov/1376/Title-17-Zoning-Code-Update>.

## NEW ORGANIZATIONAL STRUCTURE FOR THE DOCUMENT

4. While the provisions of the code are being replaced, the code title, Title 17, has been retained for continuity between the existing and the proposed code. The article and section references below refer to the sections as they will be once the code is adopted and implemented.

**Article 1: Applicability.** The Applicability article has been updated to include updates to general provisions, new terms and definitions, and to add a chapter on the interpretation of the Zoning Ordinance. Current descriptions for housing and other regulations match current State law provisions. Terminology or phrases that are outdated or no longer relevant were eliminated.

**Article 2: Zoning Districts and Allowable Land Uses.** This article establishes the zoning districts. Zoning districts are grouped by chapter under the following categories and into land use tables. Allowed uses have been updated to eliminate redundancy, use consistent terms across all zoning districts for the same type of uses, include uses required by State law, and update or remove outdated or irrelevant uses. In addition, densities and levels of discretion for key uses under zoning districts have been updated in this article.

**Article 3: Development Standards.** This article includes development standards for all zoning districts, the addition of regulations for accessory structures, and specific chapters on key topics. The specific chapters include clustered development, density bonuses and affordable housing incentives (new), off-street parking, and nonconforming uses.

**Article 4: Standards for Specific Uses.** This article organizes existing standards for specific land uses and proposes new standards for specific uses in one article—28 uses have specific standards in this article. The new chapters include accessory dwelling units, accessory uses, automobile/vehicle sales and services, drive-through facilities, emergency shelters, farmers markets and urban agriculture, home occupation, outdoor dining and seating, outdoor display and sales, personal services, electric vehicle recharging stations, recycling facilities, single room occupancy, solar energy systems, and temporary use. Standards for all other uses have been updated in this article.

**Article 5: Administration and Procedures.** This article establishes administration and procedures for permits regulated by Title 17 and processes governed by Title 17. New permits and procedures added include zoning clearance, temporary use permits, minor modification, emergency permits, amendments to the general plan and zoning ordinance, home occupation permit, similar use determination, specific plan, and community plan. Changes have been made to existing permits to streamline the development review process, particularly for residential applications.

## KEY LANGUAGE/CONCEPT CHANGES

5. Numerous changes are being proposed, and key elements are highlighted below. A complete list of changes, and their relationship to State law are listed in the CEQA Addendum (attached to this report). Overall, the changes, in addition to responding to the General Plan Update, are a combination of staff direction, public input, Planning Commission comments, and Board of Supervisors comments. Revisions have been made to address suggestions from the Code Compliance Division and other CDD staff to clarify regulations on common violations to improve enforcement efforts. Additionally, changes have been made in consultation with other County entities, such as the Public Works Department and Environment Health.
  - a. Staff is proposing modifying and adding new definitions that reflect current land uses, both existing in the County and uses often asked about by property owners and potential project applicants, specifically related to camping, farm stays, and recreational developments. New definitions for biomass plants,

- b. Staff recommends eliminating the requirement not to allow manufactured homes in the :MX combining district older than 10 years of age. Many manufactured homes older than 10 years of age were manufactured in the late 2000s and can be suitable for housing. The requirement to place them on a permanent foundation remains, as well as the requirement for applicable building permits to be obtained. On occasion, manufactured home owners have requested to relocate and install a manufactured home to a new parcel, which is currently prohibited by the :MX age restriction. Staff is requesting this modification to allow flexibility in the use of manufactured homes to retain housing stock.
- c. Home occupation permits are being proposed. This new section of code adds development and operational standards for residential appearance, location, employees, direct sales prohibition, hazardous materials, nuisances, traffic and parking generation, and commercial vehicles and includes prohibited home occupations. In the past, staff required a home-based business form to be completed by a homeowner, but in recent years, this practice was ceased due to staffing resources. Staff proposes to formalize this process and will work with the public through education and outreach to pace enforcement of this new requirement.
- d. Staff recommends eliminating the need for a Use Permit to serve alcohol within 200 feet of a residentially zoned district. Instead, staff proposes performance standards for these businesses. In the past, as businesses open and closed in specific areas of the county, Use Permits were required every time a business closed for 18 months and then wanted to reopen. A CUP is required, and usually approved, with the same conditions from the previous restaurant by the same operator. To eliminate this redundancy, staff proposes that businesses in these locations adhere to a list of standards derived from the typical conditions put on a Conditional Use Permit for serving alcohol near a residentially zoned district.
- e. Staff has identified a new exception to the requirement for a Site Development Permit and is proposing that some small commercial projects, that are consistent with the zoning and general plan, be exempt from a Site Development Permit. The proposed language draws on an existing exemption for small commercial projects in the California Environmental Quality Act, and requires also that the project have access to public services, maintained roadways, and does not have any characteristics that are listed in the exceptions to the CEQA exemptions (Cal. Code Regs. Tit. 14, § 15300.2).
- f. Staff proposes changes to the cannabis ordinance to reflect SB 1186 in response to Board direction from the December 5, 2023 Board of Supervisors meeting.
- g. Multifamily is proposed as a permitted use in C-O and C-1 to provide a greater range of options for landowners to use their property for its highest and best use. While commercial can confer greater economic benefits to the county, commercially zoned land is often unused or underused for commercial purposes due to market conditions, demographic trends, and changing preferences of residents and the traveling public. In some cases, under certain conditions, neighborhood commercial and general commercial parcels may be more valuable and confer greater benefits as multifamily residential. These conditions are outside of the county's control and change over time. It is unlikely that a commercial parcels in high value locations would be used for residential; where the profit would be greater for a commercial use, we can reasonably expect that the parcel would not be developed for multifamily housing, which is more expensive to build and yields lower profits. However, where general and neighborhood commercial parcels have fallen out of favor for high-value commercial uses, the current and future best use may be residential. The proposed change in ordinance code would allow for the adaptive reuse of existing structures to multifamily dwellings. An existing vacant building could be converted to housing naturally more affordable housing for families earning moderate incomes. Tuolumne County has a limited number of developable parcels, and creating more flexibility in zones already adjacent to or within more developed communities minimizes environmental impacts associated with new greenfield development and encourages residential development to meet the needs of our working families and young people.

- h. There is a need to address seasonal or resident employee housing across the County. Staff have been approached for a pathway to convert hotels/motels to housing, either temporarily for a season, or permanently. Employee housing is regulated by the State of California Employee Housing Act. It is proposed to allow this use in locations where hotels and motels are already permitted land uses.
- i. Clarification is being included concerning outdoor dining and seating, outdoor display and sales, personal service establishments, drive-thru facilities, electric vehicle charging stations, recycling facilities, mobile food carts, farmers markets, solar energy systems, temporary uses, and other specific land uses.
- j. Animal Keeping is more thoroughly addressed in the code update, and the proposed language sets the specific maximum allowed livestock density in the R-1 District. Previously, lack of specificity resulted in challenges for code enforcement of small livestock on parcels zoned R-1 located in very rural areas of the County.
- k. The sign ordinance has been overhauled to ensure compliance with federal law and the First Amendment. Use Permits will still be required for any sign type for sizes and locations that are not addressed in the code.

### **APPROVALS, APPEALS, ADMINISTRATION AND ENFORCEMENT**

- 6. Other proposed changes impact the actual permitting process, for example, what uses are conditional and/or require a site development permit and clarify and improve the authorities over approvals and appeals. These include:

- a. A new Zoning Clearance process that ensures compliance with the Zoning Ordinance for new and modified uses and structures. The process uses administrative procedures and "over-the-counter" planning approval for building permits and other County applications that require approval from a different department and can be processed quickly by the Community Development Department. This formalizes an existing process to ensure consistency in record-keeping and review timelines.

EXAMPLE: Reviews of Building Permits, Conditions of Approvals, and Grading Permits

- b. A Minor Modification process to provide an alternative method for granting relief from Title requirements when it aligns with the Zoning Ordinance's purposes, and it is not feasible or practical to approve a variance. There is a process for this currently but it is not clearly outlined.

EXAMPLE: The Director may provide relief to dimensional requirements but does not include density, floor area ratio, and lot size. Height is covered under a height exemption.

- c. A Temporary Use Permit process for review and approval of limited-duration uses that will not permanently alter the site's character or physical facilities.

EXAMPLE: Regulations clarifying model homes, seasonal sales, and produce stands.

- d. Improvements to the language regarding emergency permits, specifically for individuals or public agencies seeking permits for emergency work when the circumstances of the emergency do not allow sufficient time for the permit process to be completed otherwise.

EXAMPLE: An entity may need to install temporary employee housing to respond to an emergency, and does not have the time to modify an entitlement, such as a use permit.

- e. Improvements to how staff handles uses not listed in the land use table, as Staff often receives information requests on land use that are not found in code. Staff tries to tie the request to an existing land use, but there is no formal process to follow. Now, a Similar Use Determination will happen when a specific use is not listed and the need for permission, permit, or Site Development Permit is unclear. This process allows for the review and possible addition of new uses to the land use table.

EXAMPLE: A property owner wants to have rent bikes from their business. If bike rental businesses weren't listed in the code, Staff would have a transparent process to determine how to handle the request.

- f. Improvements and clarity related to the appeals process. The new code will identify an aggrieved person as someone who has appeared at a public hearing in the County of Tuolumne regarding the decision or action, and informed the approving authority of their concern or demonstration of good cause for failure to do so. The appellant will now be compelled to state the reason for the appeal.

EXAMPLE: On a recent development project, an appeal was submitted without any information as to why the individual was filing the appeal. This made it difficult for the County to respond to the appeal and clarify issues to the public and the Board, or complete additional reviews to address the concerns.

- g. Clarification for approval authority of the Board of Supervisors when a project contains a zone change or general plan amendment, and a Site Development Permit. The Board of Supervisors will act on the site development permit and zone change or general plan amendment as the highest required approval body, rather than the current delegation of duties to the Planning Commission for site permit action and recommendation on zone change application.

## **OBJECTIVE DESIGN STANDARDS**

- 7. The proposed Title 17 Zoning Code Update integrates Objective Site and Design Standards for specific residential projects. Recent state legislation requires the use of objective standards for eligible projects, and only objective standards may be used as the basis for denying or reducing the density of those projects. Beyond the statutorily eligible projects, objective design standards are considered a best practice for making requirements for residential development more predictable and easier to interpret for applicants, planning staff, and decision-makers. Objective design standards are defined as standards that:

*Involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official before submittal.*

- 8. The Objective Site and Design Standards are voluntary and may apply to residential projects consistent with the General Plan land use designation and zone classification for the site. Though compliance is voluntary, the standards are requirements for projects seeking relief from the strict application of specific zoning code standards, including minimum lot size, building intensity, floor area ratio, parking requirements, and setbacks. Currently, these concessions are available to developers through the Planned Unit Development Permit, which relies on subjective design guidelines and involves personal judgments by decision-makers. The related uncertainty and unpredictability add time and costs that make residential developments infeasible, especially those intended to be affordable to middle-income residents.
- 9. The Objective Site and Design Standards represent a collaborative effort with local building and development stakeholders to ensure that the resulting document will likely reinvigorate residential development for working and middle-income residents. Compliance with the proposed Objective Site and Design Standards includes three components:
  - Demonstration of community design consistency.

- Minimum required standards.
- Scoring at least the minimum total required points assigned to the project type as indicated on the Objective Design Standard Element Scorecard.

10. The requirements are intended to maintain the scenic and historic character of Tuolumne County while increasing the variety of housing choices affordable to households at a range of income levels. Integrating the standards with the Title 17 Zoning Code Update will streamline the application and approval process, reducing the time from application to occupancy and minimizing the development costs associated with uncertainty and unnecessary delays.

### **STREAMLINED DEVELOPMENT PROCESS**

11. As projects move to ministerial and streamlined processes, the County is unable to apply Conditions of Approval to a project. Internal County departments can apply their authority under their respective ordinance codes, such as Title 11 (Road Standards) and Title 15 (Building and Construction). Fees for traffic impacts will still be applicable, as well as County Service Impact Fees. To capture any other requirements or fees from ministerial projects, the County will need to complete the required nexus studies and adopt ordinance codes to charge fees or require other specific improvements.

### **ENVIRONMENTAL REVIEW**

12. The County is anticipating using an addendum to the General Plan Environmental Impact Report (EIR) as the environmental document for the project. Under CEQA Guideline Section 15164, an addendum to an EIR may be prepared if only minor technical changes are required or if none of the conditions identified in Guidelines Section 15162 are present. In the absence of substantial evidence to support a fair argument that the project changes may result in significant environmental impacts not previously studied, an addendum to the EIR is appropriate.

13. Staff recommends that the County determine that the potential impacts of the proposed updates to the Zoning Ordinance were studied in a previously certified EIR (i.e., the 2018 Tuolumne County General Plan Update Project EIR) and that the EIR provides a sufficient and adequate analysis of these environmental impacts. With that determination, an addendum, rather than an exemption, is the appropriate environmental document. The addendum will be posted on the project website before the March 20 TCPC meeting.

### **UPDATES FOR COMPLIANCE WITH STATE LAW**

14. Changes proposed in the code in response to State law regulations are as follows:

- Zoning chapters – allowing uses per state law – ADUs, JADUs, residential care homes, mobile homes, employee housing, transitional housing, supportive housing, solar power generation facilities/equipment, agricultural laborer housing, home occupation, low barrier navigation centers, and single-room occupancy units.
- Increased densities in C-O and C-1 zoning districts
- Removal of discretionary review of housing in R-2, R-3, MU, C-O, C-1 zoning districts
- Ch. 17.26 Density Bonuses and Affordable Housing Incentives – completely new chapter to match State law
- Ch. 17.36 Accessory Dwelling Units – major updates to comply with current State law
- Ch. 17.52 Cottage Food Operations – standards/regulations from State law
- Ch. 17.58 Emergency Shelters – completely revised chapter to comply with state law development standards
- Ch. 17.70 Mobilehomes, Recreational Vehicles and Campgrounds – updated to align with State law re HCD jurisdiction over these uses



- Ch. 17.86 Single room occupancy – completely new chapter to regulate SROs which are allowed now per State law. SROs are proposed to be allowed ministerially in C-1.
- Ch. 17.88 Solar Energy Systems – new chapter that includes language to comply with State law to facilitate solar
- Removal of design review to implement State law re: housing streamlining

### **FEE CHANGES**

15. The new code proposes several new permits types, including permits for home occupations, zoning clearances, and permits for non-retail cannabis business. Staff will revise existing language in the fee schedule to improve readability and clarity. Fees associated with these permits are being developed and will be heard by the Board of Supervisors for review and approval.
16. With the streamlining of the development process, staff anticipates that there will be changes in revenue collected. For example, multi-unit housing projects that use a ministerial process through compliance with Objective Design Standards, will no longer pay fees for a Site Development Permit. However, staff will revise Building Permit fees for those specific projects to account for additional staff time necessary to review the project under the new process. Fees will be added for new processes associated with non-retail cannabis delivery businesses, commercial events on agricultural lands, and home based business permits.

### **RECOMMENDATION**

No action required. It is recommended that Tuolumne County Planning Commission use the March 6<sup>th</sup> meeting to understand the history of the project and overall project objectives and ask questions regarding the proposed updates.

Discussion at the March 6<sup>th</sup> meeting will inform topics for the March 20<sup>th</sup> Planning Commission meeting, as well as staff will continue to present on the specific updates to the code.

Attachments: Proposed Annotated Outline

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## **Title 17 - Zoning Proposed Annotated Outline**

*\* Indicates a new section*

*Implementation Program refers to a General Plan Implementation Program*

### **ARTICLE 1 APPLICABILITY\***

#### **Chapter 17.02 General Provisions**

#### **Chapter 17.04 Definitions**

- Update and modernize definitions; remove any definitions not used in the Zoning Code.
- Change grade definition (Section 17.04.380) to reference average existing slope.
- Reconcile lot line adjustment definition with Title 16 definition.
- Clarify the difference between a bed and breakfast and a short-term/transient room rental.
- Adjust the definition of public agencies and public entities to clarify that they can include private agencies that provide a public service.
- Add new definitions for the following:
  - Attached
  - Community gardens
  - Green waste
  - Incidental (e.g., based on square footage, but maintain some flexibility to consider on a case-by-case basis)
  - Recreational development
    - Bathrooms should be evaluated to see if appropriate for this definition.
    - Camp roads should be included in this definition.

#### **Chapter 17.06 Interpretation\***

*[New chapter to address rules/criteria re: interpretation of the zoning code after adoption]*

### **ARTICLE 2 ZONING DISTRICTS AND ALLOWABLE LAND USES\***

- Zoning districts will be updated as needed for consistency with the updated General Plan. Could include a reduction in the overall number of zoning districts.

- Include tables for allowed uses and in other locations as appropriate.
- Substitute "persons" for "employees" for residential care home use size thresholds.
- Where tent revivals are listed as an allowed use, clarify to indicate that weddings are also allowed.
- Add green waste uses as permitted/conditional uses in appropriate zoning districts.
- Include standards for conex boxes that are consistent with the Building Code.
- Provide an appropriate range of General Plan and Community Plan land use designations and zoning districts within each of the County's identified communities so that persons are not excluded from living in areas of the county based on housing availability. Consider factors of elevation, topography, and the availability of public water and sewer systems, when determining an appropriate range of land use designations and zoning districts. (Housing Element Implementation Program 3.E.c)
- The County Housing Division and the Board of Supervisors Housing Policy Committee will research and consider innovative housing solutions for extremely low-income households and vulnerable populations, such as container homes, boarding houses/shared housing models, tiny/manufactured homes in mobile home parks, accessory dwelling units, and other models that provide modest housing that is affordable to households on very limited incomes. (Housing Element Implementation Program 3.F.e)
- Review how camping/glamping/RV parks/recreational developments without buildings (other than bathrooms) are regulated and recommend any needed changes.
- Implementation Program 12.A.m-Allow the establishment of private or alternative schools in a variety of zoning districts as conditional uses as long as the school can be found to be compatible with the surrounding neighborhood.

## **Chapter 17.08 Establishment of Districts and Zoning Maps**

### **Chapter 17.10 Agriculture and Open Space Zoning Districts\***

- Consider requiring a conditional use permit for RV parks in the K (General Recreational) district, similar to the C-K (Commercial Recreation) district.
- Address guest ranches in the K district.
- Use permit requirement for vegetation removal in O (Open Space) districts is onerous. Adjust permitting requirements to allow more flexibility, while ensuring that any cultural and/or wetland/riparian resources are protected.
- Implementation Program 11.B.h- To provide recreational use in water resource areas, continue to conditionally permit, in the O (Open Space) and O-1 (Open Space-1) zoning districts, recreational uses where such uses do not adversely impact water resources, such as beaches, picnic areas, non-motorized pedestrian and equestrian trails and other recreational uses.
- Implementation Program 16.A.a- Exempt lands designated on the General Plan land use diagrams as Timberland Production Zone, or Agricultural when the parcel is 37 acres or larger and supports an agricultural or residential land use or is vacant, from the County's programs for conserving scenic resources, as these lands provide scenic value without participating a scenic resources program. The land use restrictions on Scenic Routes and lands adjacent to them as outlined in the Streets and Highways Code of the State of California shall only apply to lands designated as non-urban on the

General Plan land use diagrams maps. Land designated as TPZ or AG when the parcel is 37 acres or larger and supports an agricultural or residential land use or is vacant shall be exempt from these restrictions. *[Repeated under TPZ zone below]*

#### **Chapter 17.12 Residential Zoning Districts\***

- Require a conditional use permit for mobile home parks in R-1 (Single-Family Residential) and RE-[X] (Residential Estate) districts.
- Revise zoning as appropriate to permit multifamily development without discretionary review in all zones allowing multifamily development pursuant to Government Code Sections 65650 to 65655 (AB 2162). (Housing Element Implementation Program 3.C.d) *[Will be relevant for other types of districts as applicable]*
- Implementation Program 10.C.a- Encourage new multi-family developments to include smoke-free policies to limit residents' exposure to the harmful effects of secondhand smoke.
- Implementation Program 11.E.a- Establish standards in the Tuolumne County Ordinance Code for the provision of open areas and recreational facilities for new residential development consisting of five or more dwelling units. Review and update, as needed, existing requirements for open areas and recreation facilities for multi-family housing development in the County Ordinance Code.
- Implementation Program 11.E.b- Require new residential development of five or more units to participate in the provision of recreational facilities for their residents as follows:
  - For multi-family housing developments, such as apartments, or mobile home parks, recreational facilities shall be provided on site.
  - For residential subdivisions, the subdivider shall have the option to provide recreational facilities on site, pay an in-lieu recreation fee or dedicate land for public recreational facilities in accordance with Government Code 66477. Any such fees collected may be used for the acquisition, construction and maintenance of recreational facilities.
- Implementation Program 12.A.d- Encourage schools to be located in residential areas to promote the use of school facilities as community centers, with their associated educational, cultural and recreational opportunities, and minimize transportation costs.

#### **Chapter 17.14 Commercial and Mixed Use Zoning Districts\***

- Consider allowing multi-family residential uses by right in commercial zoning districts.
- Allow low barrier navigation centers pursuant to Government Code Sections 65660 to 65660 (AB 101). (Housing Element Implementation Program 3.C.d)
- Require a conditional use permit for mobile food facilities in the C-O (Neighborhood Commercial) district.
- Implementation Program 1.B.g- Require proponents of new commercial development to locate parking areas behind buildings or sufficiently screen them from public roads and public viewsheds, or, if locating behind buildings and screening are determined to be infeasible, provide other landscaping or design features to visually enhance the parking areas.
- Implementation Program 1.D.n- Designate land within identified communities for mixed use in areas that are close to public transportation routes, commercial centers and community facilities, such as

parks. Consider allowing additional commercial facilities in the Mixed Use (M-U) zoning district of the Tuolumne County Ordinance Code. Provide incentives to encourage the creation of mixed use development. Incentives could include a streamlined permitting process, density bonuses, or reduced parking requirements. Promote flexibility in the application of parking standards to support mixed-use and transit-oriented development.

- Implementation Program 3.A.a- Utilize the Special Commercial (SC) General Plan land use designation on property suitable for commercial development of a neighborhood, rural or tourist-oriented nature but lacking service from a public water system. Development of a commercial nature on land designated SC is allowed with applicant permits without having service from a public water or sewer system, but only where service is not reasonably available.

#### **Chapter 17.16 Industrial Zoning Districts\***

- Allow dance/yoga/exercise studios in industrial districts, as well as associated retail services as an incidental/secondary use.
- Implementation Program 1.B.d- Consider buffer areas around existing industrial land uses to protect them from infringement of new residential and other potentially incompatible land uses. These buffer areas may include building setbacks and/or limiting land uses within an established distance of these existing land uses.
- Implementation Program 6.E.l- Support biomass energy facilities as an alternative to traditional forms of energy.
- Implementation Program 6.E.p- Expedite all permits under the County's jurisdiction which are necessary for the development of energy generating facilities using renewable resources and enterprises which are engaged in other types of energy conservation programs, such as biomass co-generation facilities, businesses which utilize recycled products and materials, and recycling facilities.
- Implementation Program 15.A.g- Establish buffer zones to separate new residential development projects and projects categorized as sensitive receptors (e.g., hospitals, convalescent homes, day care facilities, and schools) from existing industrial sites and/or sites that emit criteria and toxic or air pollutants.
- Implementation Program 15.A.h- Establish buffer zones to create an adequate distance between new air pollution point and area sources such as industrial, manufacturing and processing facilities, and residential areas and sensitive receptors.
- Implementation Program 15.A.i – Avoid locating new urban residential development projects and other projects categorized as sensitive receptors (e.g., hospitals, convalescent homes, day care facilities, and schools) within 500 feet from industrial sites and/or sites that may emit criteria toxic or air pollutants. If a 500 foot buffer is not feasible, compliance with Implementation Program 15.A.j shall be required.

#### **Chapter 17.18 Special Purpose Zoning Districts\***

*[Districts included in this chapter are Public, TPZ, and MPZ]*

- Adjust the minimum acreage in the TPZ (Timberland Production) district to be 37 acres or adjacent to another TPZ or forest.

- Implementation Program 7.A.f-Consider expanding the permitted uses in the Timberland Production (TPZ) zoning district and agricultural zoning districts to include facilities which are integrally related to the growing, harvesting and processing of forest products.
- Implementation Program 7.A.g- Consider expanding the conditionally permitted uses in the Timberland Production (TPZ) zoning district, and agricultural zoning districts to include timber support services or timber compatible uses.
- Implementation Program 16.A.a- Exempt lands designated on the General Plan land use diagrams as Timberland Production Zone, or Agricultural when the parcel is 37 acres or larger and supports an agricultural or residential land use or is vacant, from the County's programs for conserving scenic resources, as these lands provide scenic value without participating a scenic resources program. The land use restrictions on Scenic Routes and lands adjacent to them as outlined in the Streets and Highways Code of the State of California shall only apply to lands designated as non-urban on the General Plan land use diagrams maps. Land designated as TPZ or AG when the parcel is 37 acres or larger and supports an agricultural or residential land use or is vacant shall be exempt from these restrictions. *[Repeated under Agriculture zones above]*

#### **Chapter 17.20 Combining Districts\***

- Rename the Mobile Home Exclusion (:MX) combining district.

#### **Chapter 17.22 Overlay Districts\***

- Consult form-based code examples in Rifle, CO; Grand Rapids, MI; and Redwood City, CA and develop form-based overlays in key Identified Communities in the county, such as Columbia, Old Town Jamestown, Tuolumne, and Downtown Groveland. Include any form-based standards as overlays in the Tuolumne County Code.
- Implementation Program 1.A.b- Provide an appropriate range of land use designations to serve the needs of the residents of the County and designate an adequate amount of land in each land use category to provide a balanced pattern of development. Use overlay designations to recognize special features or characteristics of areas of the County that may affect development potential or create opportunities for conservation of special resources.
- Implementation Program 4.F.d- Require future County-owned, public-use airport facilities and surrounding land use zones to be master planned prior to operation in order to establish safe operation of the airport.

#### **ARTICLE 3 DEVELOPMENT STANDARDS\***

- Implementation Program 1.D.j- Provide incentives to encourage high and medium density residential development projects located within a quarter mile of a transit stop. Incentives could include a streamlined permitting process, increased densities or reduced on-site parking requirements.
- Implementation Program 1.D.k- Provide incentives, such as reduced parking requirements and permit streamlining, and remove zoning and other barriers to mixed-use and higher intensity development at transit nodes and along transit corridors.

- Implementation Program 4.B.l- Require, when appropriate and warranted, new development to contribute to, or construct, bicycle and pedestrian facilities. New development zoned R-1, R-2, R-3, C-O, C-1, C-2, C-K and M-U occurring within a two mile radius of a school, shopping center, life enrichment facility or work concentration area and located along a major or minor collector or arterial shall be targeted for providing bicycle and pedestrian facilities within the new development. If existing conditions prohibit development from constructing warranted facilities, such developments should set aside sufficient room along the project frontage and pay in-lieu fees to construct bicycle and pedestrian facilities.
- Implementation Program 4.B.n- Encourage a continuous and interconnected pedestrian friendly system of paths that lead to transit stops, by encouraging all new residential and commercial development to include a pedestrian circulation system that is connected to existing (and where possible, planned) transit stops.
- Implementation Program 4.B.o- Require, when appropriate, new commercial, high density residential and recreational development to provide and maintain bicycle storage facilities.
- Implementation Program 9.l.c- Review development applications for projects that would manufacture, process, or dispose of hazardous materials or hazardous waste for compliance with the Tuolumne County Comprehensive Hazardous Waste Management Plan.
- Implementation Program 17.A.b- Update the County's General Plan and Ordinance Code as new Federal and State laws regarding geologic hazards and requirements are enacted.
- Implementation Program 17.D.b- Apply zoning and other land use controls to regulate development in known hazardous areas capable of seismic activity.

#### **Chapter 17.24 Standards for All Development and Land Uses\***

- Encourage rental housing developers to include units with three or more bedrooms in any new rental development to provide housing for large families. (Housing Element Implementation Program 3.F.c)
- Adjust reduced garage setbacks to accommodate snow and topography:
  - 3,500-foot elevation threshold is arbitrary.
  - Garage size limit is outdated.
  - Define "garage" that is subject to reduced setback (i.e., if garage or portion of garage is used as an ADU, office, storage, etc.).
  - ROW/centerline are often unknown; surveys shouldn't be required to determine setback.
- Clarify what can be within setbacks, including clarification that appurtenances, such as propane tanks, mechanical equipment, or structures (including ground-mounted solar panels), are not allowed within setbacks (but fences are allowed).
- Clarify when stairs are allowed to cross the front property line to access the front door, subject to an encroachment permit. Ensure consistency with requirements for reasonable accommodation in existing Section 17.68.126.
- Implementation Program 1.D.c- Encourage building site designs that cater to transit riders, pedestrians and cyclists, as well as those arriving by car. Examples of transit, pedestrian and bicycle

friendly building site design features include, but are not limited to, segregated entrances, pavement markings and warning and directional signage.

- Implementation Program 1.D.d- Establish criteria for walkability for the various land uses within identified communities to encourage development of active communities. The criteria may include a maximum walking distance to transit nodes from multi-unit housing of specific densities or a requirement for the provision of pedestrian routes connecting specific land uses to transit stops.
- Implementation Program 1.D.f- Encourage new commercial centers to be designed to facilitate pedestrian circulation within and between commercial sites and nearby residential areas.
- Implementation Program 1.D.g- Promote development within identified communities that meets a walkability standard of a quarter- to half-mile for access to daily retail needs, schools, transit stops and recreational facilities.
- Implementation Program 4.B.j- Encourage provisions for bicycle facilities at transit nodes, recreational facilities and public spaces.
- Implementation Program 4.B.p- Provide and plan for pedestrian access routes to designated transit corridors in new development.
- Implementation Program 4.C.t- Coordinate transit system development with community planning and development efforts by implementing the following land use policies:
  - Encourage new facilities which may have public transit impacts to locate within ½ mile of high frequency service areas, with pedestrian access to current bus stops.
  - Require, when appropriate, new large developments, such as urban density subdivisions, multi-family housing complexes, commercial centers or business parks, to provide amenities, such as shelters and benches, for transit users.
  - Encourage low income/senior/disabled housing projects within ½ mile from existing high frequency service corridors.
- Implementation Program 6.A.c- Maintain standards that are required for each generalized type of development to provide greater certainty to applicants of the regulations and conditions that can be anticipated for the respective types of development projects.
- Implementation Program 15.A.e- Require proposed new development projects to analyze their contribution to increased traffic and to implement, as needed, transportation demand management measures or other improvements to reduce vehicle miles traveled, which, in turn, reduces air pollutant and GHG emission.
- Implementation Program 16.A.i- Provide flexibility in development standards to facilitate the clustering of new development in order to encourage the retention of scenic resources, landmarks and the natural landscape.

#### **Chapter 17.26 Density Bonuses and Affordable Housing Incentives\***

- Add a density bonus ordinance consistent with current State law.

#### **Chapter 17.28 Inclusionary Housing**

- Update the inclusionary housing ordinance.



#### **Chapter 17.30 Off-Street Parking**

- Add parking ratios for schools and events.

#### **Chapter 17.32 Nonconforming Uses**

#### **Chapter 17.36 Signs** *[Not in scope of PlaceWorks project]*

#### **ARTICLE 4 STANDARDS FOR SPECIFIC USES\***

- Remove some requirements/findings from places like Site Development Permit process in existing code and make them performance standards.

#### **Chapter 17.38 Accessory Dwelling Units**

- Update the Accessory Dwelling Unit Ordinance consistent with State law. Develop local regulations to address life safety concerns. (Housing Element Implementation Program 3.A.b and Community Development and Design Element Implementation Program 1.E.d)

#### **Chapter 17.40 Adult-Oriented Businesses\***

- Recommend adding based on best practices, not in existing zoning code. Could live in another section in the County Code if preferred (e.g. Title 9)

#### **Chapter 17.42 Accessory Uses\***

*[New chapter recommended as a zoning code best practice]*

#### **Chapter 17.44 Airplane Hangars**

#### **Chapter 17.46 Animal Keeping\***

*[New chapter that includes existing Section 17.52.260 Keeping of Poultry in the R-1 District ]*

- Add exemptions for 4-H livestock in certain zoning districts with performance standards.

#### **Chapter 17.48 Automobile/Vehicle Sales and Services\***

*[New chapter recommended as a zoning code best practice]*

#### **Chapter 17.50 Cannabis** *[Not in scope of PlaceWorks project]*

#### **Chapter 17.52 Commercial Events on Agricultural Land**

- Consider adjusting the 200-foot setback requirement for commercial events in the RE-5 district; this setback may be infeasible due to small parcel size or configuration.
- Implementation Program 5.A.\*\* - No exterior amplified sound systems (e.g., public address systems) will be allowed as part of any agritourism use. Exceptions may be allowed with review and approval by the County with the submittal of a plan analyzing the noise from the speakers/amplification. As part of the County review and approval, the applicant shall submit a speaker/amplification noise plan prepared by an acoustical engineer, that evaluates the potential for the proposed amplified sound to exceed County noise standards (Table 3.12-7 of this EIR). If necessary, the noise plan shall

include protocols for siting, orientation, and operation of speakers (including potential volume limits) that would be implemented to reduce the effect of noise levels generated by on-site stationary noise sources. The applicant shall demonstrate through the plan how the speaker/amplification system would not exceed applicable County noise standards (Table 3.12-7 of this EIR). After the noise plan is approved by the County for the agritourism operation, no additional speaker/amplification noise plan would be required, unless the agritourism operation proposes changes to the speaker/amplification system that could meaningfully affect noise levels (e.g. changes to the location, orientation, or volume of the amplification system).

#### **Chapter 17.54 Commercial Growing and Harvesting of Timber**

- Implementation Program 7.A.a- Encourage retention of existing, and management of new timberlands by continuing to provide tax incentives to timberland owners, such as Timberland Production (TPZ) zoning or Williamson Act land conservation contracts, or other State or Federal incentive programs that may be offered to conserve timberlands.
- Implementation Program 7.A.c- Encourage the siting of proposed residential development (HDR, MDR, LDR and MU land use designations) on land that is not adjacent to commercial timberlands.
- Implementation Program 7.A.d- Reduce potential conflicts between timber management activities and non-timber related land uses by discouraging the development of new non-timberland uses on land adjacent to commercial timberlands. Allow flexibility in development regulations so that the overall density of the proposed development project can be concentrated in the portion of the parcel away from the timberland boundary.

#### **Chapter 17.56 Cottage Food Operations**

- Implementation Program 6.E.a- Continue to allow home occupations and cottage industries within residential areas subject to specific criteria. Provide guidelines on home occupations to be included in the business start-up packet. Include information on the criteria for determining whether or not a business qualifies as a home occupation. *[Also included under Home Occupations below]*

#### **Chapter 17.58 Day Care Facilities**

#### **Chapter 17.60 Drive-Through Facilities\***

*[New chapter recommended as a zoning code best practice]*

#### **Chapter 17.62 Emergency Shelters\***

#### **Chapter 17.64 Entertainment and Alcoholic Beverage Service**

#### **Chapter 17.66 Farmer's Markets and Urban Agriculture\***

- Consider establishing performance standards for farmers markets and community gardens in lieu of a permit.

#### **Chapter 17.68 Home Occupations**

- Implementation Program 6.E.a- Continue to allow home occupations and cottage industries within residential areas subject to specific criteria. Provide guidelines on home occupations to be included

in the business start-up packet. Include information on the criteria for determining whether or not a business qualifies as a home occupation. *[Also included under Cottage Food Operations above]*

#### **Chapter 17.70 Indoor Retail Sales and Services**

*[Existing Section 17.52.180 – changed name to be more concise]*

#### **Chapter 17.72 Mobile Food Vendors**

#### **Chapter 17.74 Mobilehomes, Recreational Vehicles, and Campgrounds**

#### **Chapter 17.76 Movie Sets**

- Implementation Program 6.E.j- Continue to "fast-track" film permits through the permitting process in order to expedite movie, television, commercial and other cinematic or video productions.

#### **Chapter 17.78 Outdoor Dining and Seating\***

*[New chapter recommended as a zoning code best practice]*

#### **Chapter 17.80 Outdoor Display and Sales\***

*[New chapter recommended as a zoning code best practice]*

#### **Chapter 17.82 Personal Services\***

*[New chapter recommended as a zoning code best practice]*

#### **Chapter 17.84 Primary Caregivers**

- Farmworker/Temporary Housing
  - Continue to facilitate efforts of individuals, private organizations, and public agencies to provide safe and adequate housing for farmworkers and seasonal workers. Amend the Zoning Code to allow the use of recreational vehicles for employee housing. (Housing Element Implementation Program 3.F.d)
  - Consider eliminating the 30-day limit on RV use to provide more housing opportunities, while ensuring health, safety, and aesthetic impacts are mitigated through public health, screening, and/or landscaping requirements and/or establishing a minimum parcel size for extended RV use.
  - Section 17.48.023 (Temporary use of mobile homes or recreational vehicles) should move to Section 17.64.

#### **Chapter 17.86 Public Utility Uses**

- Implementation Program 3.B.b- Encourage new industrial development to locate in areas which have the capability of being served by a public water system, or a private system when it can be reasonably demonstrated that the development will not cause an adverse public health problem by maintaining zoning code standards for the provision of public water for industrial zoning districts and requiring review by the Environmental Health Division when exceptions are requested.

- Implementation Program 3.E.a- Continue to require new urban residential development with a density of three dwelling units per acre, or greater, and commercial development, except that on land designated Special Commercial (SC) by the General Plan land use diagrams, to connect to public sewer.
- Implementation Program 3.E.c- Consider whether areas proposed for designation as Neighborhood Commercial, General Commercial, Heavy Commercial, Business Park, Mixed Use, Light Industrial or Heavy Industrial on the General Plan land use diagrams can be served by a public sewer system. If public sewer service is available, the public sewer system shall be used for commercial or industrial development. Public sewer service is considered "available" according to the definition in Chapter 13.08 of the Tuolumne County Ordinance Code. Prior to approval of any discretionary entitlement for such development, a public sewer purveyor must have indicated that service is available, or an acceptable plan for sewage disposal through a private system must be approved by the Environmental Health Division or the State Water Resources Control Board. Prior to occupancy of the development, the service must be in place.
- Implementation Program 8.B.c- Establish development standards to provide County staff with discretion to deny development that proposes to introduce growth-inducing public services like public sewer systems and potable public water into agricultural areas.
- Implementation Program 9.G.d- Require that a public water system, having adequate fire flow, is available prior to development of land for which a zone change to an urban zoning district is approved. Public water need not be available on-site at the time of zoning, however, financial and other assurances must be provided to the County which will allow such improvements to be installed in a timely manner.

#### **Chapter 17.88 Recharging Stations\***

- Implementation Program 4.A.d.1 – Support alternative energy vehicles, including electric vehicles, and development of electric charging stations for passenger vehicles for the use of the public, including County employees and County fleet vehicles.

#### **Chapter 17.90 Recycling Facilities\***

*[New chapter recommended as a zoning code best practice]*

#### **Chapter 17.92 Single Room Occupancy\***

*[New chapter recommended to address state housing law]*

#### **Chapter 17.94 Solar Energy Systems\***

*[New chapter recommended as a zoning code best practice]*

#### **Chapter 17.96 Storage\***

*[New chapter that includes storage containers, self-storage and any other storage that needs addressing in the zoning code. Storage containers is in existing Chapter 17.52]*

## Chapter 17.98 Temporary Uses\*

*[New chapter that Includes some existing sections in Chapter 17.52]*

- Address one-time events or uses in this chapter

## Chapter 17.100 Wireless Communications Facilities

- Generally, this chapter is out of compliance with State and federal laws and too many variances are requested/granted, indicating the need to fix this section of the Code. Consult industry model ordinance and reports, especially for definitions and ensuring language is up-to-date and consistent with State and federal terminology.
- Section 17.53.050 (Application for a use permit):
  - Application requirements are onerous; provide more flexibility/authority for Community Development Director (CDD) or Planning Commission to waive certain requirements, such as:
    - Tree protection plan (see also Section 17.53.170)
    - Landscaping plan (often infeasible due to a lack of irrigation or existing pavement; see also Section 17.53.170)
  - A NEPA checklist should not be required (too early at use permit phase and redundant with federal laws).
  - Identify an appropriate scale for photosimulations and provide authority for the County to reject photosimulations that aren't adequate.
  - Subsection C, authorizing the CDD to hire an independent technical expert to review materials, and needs work.
- Section 17.53.090 (Setbacks):
  - Change setback requirement from open space to be 200 feet from open space, not just a parcel with an open space designation.
  - Add setback requirements from roads, ROWs, and easements.
- Section 17.53.100 (Service gaps): Define service gap; accommodate entities with grant funding to fill service gaps.
- Section 17.53.120 (Visual compatibility): Adjust vegetation screening requirements and requirement to provide evidence that locating elsewhere is infeasible (see also 17.53.170).
- Section 17.53.230 (Agreement and security to maintain and remove facility):
  - Change requirement for security agreement to be prior to final inspection instead of prior to issuance of a building permit. Consider requiring a security agreement deposit or some other mechanism to protect the County in case a building permit is never finalized.
  - Adjust language about the amount of the security; stamped engineers' estimates are not always accurate.

## ARTICLE 5 ADMINISTRATION AND PROCEDURES\*

- Simplify processes and reduce barriers and costs (e.g., reducing conditional use permit requirements).
- Revise administration and procedures (and any other applicable sections of the Zoning Code) for compliance with Senate Bill 35 and Senate Bill 330 related to streamlined review of residential projects and objective standards for review.
  - This will include incorporating design-related regulations into standards in the Zoning Code rather than leaving in design guidelines when appropriate for consistency with State law. Additional design standards may focus in specific areas of the county.
- Implementation Program 1.F.c- Establish design guidelines for new commercial development in communities desiring design review to be compatible with the scale and architectural style of the existing buildings and integrate where appropriate natural and cultural amenities such as creeks, hillsides, scenic views, historic buildings and structures, and archaeological sites.
- Implementation Program 1.F.d- Encourage street frontages in historic communities to reflect the historic "Main Street" character and ambiance.
- Implementation Program 3.B.a- Continue to require new urban development needing discretionary entitlements to secure a letter from the jurisdictional public water agency stating that the proposed project can be served by that agency and that there is an available water supply.
- Implementation Program 4.B.k- Consider the needs of pedestrians, bicyclists and individuals with disabilities in the project design review process.
- Implementation Program 4.F.e- Review General Plan Amendments, Zone Changes, and development applications within the referral area of a County airport for consistency with the Airport Land Use Compatibility Plan in order to continue safe operation of the airports.
- Implementation Program 11.A.f- Address recreational needs of new identified communities and community plans through a recreation plan to be approved in conjunction with approvals for new communities and community plans which includes the following:
  - Recommendations for the amount of acreage needed to serve the population of the new community or within the community plan's boundaries using a minimum standard of 5 acres/1,000 population.
  - Recommendations for the locations and alternative locations for park sites within the boundaries based on projected acreage needs.
  - Appropriate zoning to facilitate future dedication/development of identified park sites.
  - Recommendations for maintain proposed recreation facilities, including maintenance districts.
  - Identification of potential routes for trails to link new towns or communities into the County-wide trail system.

### Chapter 17.102 Approval Authorities\*

*[New chapter re-organizes existing chapter information to include information about approval authorities for various permits here]*

## Chapter 17.104 Common Procedures\*

*[New chapter re-organizes existing chapter information to include information about procedures common to all permits here including noticing, hearings, environmental review, etc.]*

- Consider revising public hearing notice requirement to ensure notice is received 10 days in advance of a hearing. Note that this is not required by the Brown Act, which only requires notices to be mailed at least three days before a regular meeting.

## Chapter 17.106 Permits and Procedures\*

- Review and revise the use permit and site development permit process to permit multifamily development up to maximum allowable densities (including transitional and supportive housing when proposed as a multifamily use) with objective standards, less or no discretion, simplified number of entitlements and not subject to exception processes such as typical conditional use findings. (Housing Element Implementation Program 3.C.d)
- Adjust the site development and site review permit processes to focus on truly discretionary items; change list of standard conditions of approval to be Code requirements.
- Simplify the process for a line lot adjustment when the existing lot line forms the boundary between two zoning districts.
- Section 17.68.100 (Site development permits): Eliminate the requirement for a site development permit for mobile home parks, RV parks, campgrounds, and airports (i.e., Section 17.68.100(A). Maintain the requirement for site development permits in certain districts (i.e., Section 17.68.100(B).
- Implementation Program 6.B.i- Require development that is subject to a discretionary entitlement from the County and to environmental review under the California Environmental Quality Act (CEQA) to evaluate potential impacts to biological resources and mitigate significant impacts for the following or as otherwise required by State or Federal law:
  - Species listed or proposed for listing as threatened, rare, or endangered under the federal Endangered Species Act (ESA) or California Endangered Species Act (CESA);
  - Species considered as candidates for listing under the ESA or CESA;
  - Wildlife species designated by CDFW as Species of Special Concern;
  - Animals fully protected under the California Fish and Game Code; and
  - Plants considered by CDFW to be “rare, threatened, or endangered in California” (California Rare Plant Ranks [CRPR] of 1A, presumed extinct in California and not known to occur elsewhere; 1B, considered rare or endangered in California and elsewhere; 2A, presumed extinct in California, but more common elsewhere and 2B, considered rare or endangered in California but more common elsewhere).
  - Sensitive natural communities, including wetlands under Federal or State jurisdiction, other aquatic resources, riparian habitats, and valley oak (*Quercus lobata*) woodland.
  - Important wildlife movement corridors and breeding sites.
  - Oak woodlands, as provided in Implementation Program 16.B.j.

- Implementation Program 8.C.c- Require that maintenance of preexisting common fence lines be the joint responsibility of the existing agricultural use and adjacent new development through conditions of approval made a part of such new development.
- Implementation Program 9.I.d- Provide for the review of applications for discretionary entitlements for projects which would utilize hazardous materials or generate hazardous wastes by the Tuolumne County Environmental Health Division and the Tuolumne County Fire Department for compliance with the latest adopted regulations for safety and environmental protection.
- Implementation Program 12.A.c- Require review, by the Community Resources Agency Director, of potential school sites. The Community Resources Agency Director shall report on the conformity of the site with this General Plan, prior to acquisition by the school district, in accordance with California Government Code Section 65402 and Tuolumne County Resolution 89-11.
- Implementation Program 17.E.f- Support the efforts of the Tuolumne County Fire Department to prevent loss of life, property and resources. Refer land development applications which would permit structures in areas subject to wildland fire to the Tuolumne County Fire Department/CAL FIRE for review and identification of measures necessary to mitigate the fire hazard.

#### **Chapter 17.108 Appeals\***

*[New chapter recommended as a zoning code best practice]*

#### **Chapter 17.110 Administration and Enforcement**





# 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

November 1, 2023

**PRESENT:** Chair Linda Emerson, Vice-Chair Catherine Santa Maria and Commissioners Jerry Morrow, Wesley Brinegar, Jim Cherry and Jim Jordan

**ABSENT:** Commissioner Kara Bechtle

**STAFF:** Quincy Yaley, Community Development Director; Taryn Vanderpan, Administrative Technician II

\* \* \* \* \*

#### PUBLIC HEARING:

##### 1. LESLIE,

1. Approval of the Mitigated Negative Declaration for Zone Change RZ18-011 and Conditional Use Permit CUP18-013.
2. Ordinance for Zone Change RZ18-011 to rezone a 5.4± acre parcel from RE-5 (Residential Estate, Five Acre Minimum) to C-1 (General Commercial) and O (Open Space) under Title 17 of the Tuolumne County Ordinance Code (TCOC).
3. Conditional Use Permit CUP18-013 to allow outdoor storage of commercial equipment, vehicles, and materials on the site consisting of two parcels totaling 6.2± acres.

The project site consists of two parcels totaling 6.2± acres located at 18456 Wards Ferry Road, on the northwest corner of Wards Ferry Road and Tuolumne Road. Within Sections 9 and 10 of Township 1 North, Range 15 East, Mount Diablo Baseline and Meridian. Assessor's Parcel Numbers 097-140-007 and 097-140-009. Within Supervisorial District Number 4.

Quincy Yaley, Community Development Department Director, gave a presentation on the proposed project location and description.

Commissioner Morrow reported that he visited the project site.

The Commission asked questions regarding the hours of operation, log decking, and commercial milling and processing in C-1 zoning.

Ms. Yaley answered Commissioner questions and explained that in order to allow commercial log milling or processing on the parcel, the project would require a new application for a Zone Change and General Plan Amendment, and Use Permit. She noted that the new application would require an environmental review process.

Preston Leslie, project applicant, raised concerns with the hours of operations indicated in the proposed

Conditions of Approval. He explained that his business is on-call during wildfire season and that occasionally must briefly start trucks to travel to wildfires outside the hours of 7:00 am – 7:00 pm.

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

There were five members of the public who spoke against the project. They noted that several cultural resources were demolished from the grading that took place prior to the application being submitted. They expressed frustration with the Code Compliance process, indicating property owners can circumvent the permitting process for years prior to any County intervention.

Chair Emerson closed public comment period and referred the item back to the commission.

A discussion ensued on the proposed conditions for the hours of operations, the process for compliance if the hours of operations were not met during wildfire season, and how changes to the proposed conditions could affect the project being approved.

Ms. Yaley explained that certain changes to the proposed conditions could send the project back through the environmental review process.

It was moved by Vice Chair Santa Maria and seconded by Commissioner Brinegar to recommend approval of the Mitigated Negative Declaration based on Findings A through F; recommend approval of Zone Change RZ18-011 based on Findings A through D; and approve Conditional Use Permit CUP18 013 based on Findings A through F and subject to Conditions 1 through 39.

Chair Emerson called for the vote; 5, Ayes, 1; Noes, 0; Abstain

Motion carried: 5 – 1 – 0 With Commissioner Cherry voting No and Commissioner Bechtle being absent.

#### **ADJOURNMENT:**

Chair Emerson adjourned the meeting.

Respectfully,

Quincy Yaley, AICP  
Community Development Department Director

QY:tv

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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

## UNAPPROVED

### TUOLUMNE COUNTY PLANNING COMMISSION MEETING MINUTES

November 15, 2023

**PRESENT:** Chair Linda Emerson, Vice-Chair Catherine Santa Maria and Commissioners Jerry Morrow, Kara Bechtle, Wesley Brinegar and Jim Cherry

**ABSENT:** Commissioner Jim Jordan

**STAFF:** Quincy Yaley, Community Development Director; Clark Sintek, Planner I, Tamera Blankenship, Housing Development Specialist, Amy Sinsheimer, PlaceWorks- Senior Associate

\* \* \* \* \*

#### CALL TO ORDER/WELCOME:

Chair Emerson called the meeting of November 15, 2023, to order at 6:00 p.m. and led the Commission and audience members in the Pledge of Allegiance.

Chair Emerson informed the committee the order of the agenda would be altered. The Commission would hear the presentation of the Taylor Ordinance for Zone Change RZ23-007 first and the Alley Conditional Use Permit CUP23-007, second followed by the presentation of the Housing Element Update.

#### 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\*\***

##### 2. Report from the Agricultural Advisory Committee Representative

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

##### 3. Minutes of the meeting of November 1, 2023

Quincy Yaley, Community Development Director informed the Commission that the minutes would be provided at the next scheduled meeting.

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[www.tuolumnecounty.ca.gov](http://www.tuolumnecounty.ca.gov)

#### **4. Planning Commission Meeting Instructions**

Ms. Yaley handed out guidelines to Commissioners on proposed structure of future Planning Commission Meetings.

#### **5. Presentation on the Tuolumne County Draft Housing Element Update**

Amy Sinsheimer, Senior Associate with PlaceWorks gave a PowerPoint Presentation on the Housing Element Update.

The Commission asked if the Housing Element Update would address Special Needs and College Student housing, how the increase to fire insurance is affecting homeowners, and how building costs are discouraging development in Tuolumne County.

Ms. Yaley and Ms. Blakenship addressed the Commissions questions. They informed the Commission that staff works with many different state and local agencies to address special housing needs.

Ms. Seinsheimer reported that the Housing Element Update is a collection of data that shows where the county currently stands with housing needs and in what ways the County can work with different state and local programs to address those needs. She stated that the increase to fire insurance and building costs are not in the scope of the update.

#### **PUBLIC COMMENT:**

Chair Emerson 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 printed Agenda. She indicated that there would be a three-minute time limit of public comment. Seeing no one, she closed the public comment period.

#### **PUBLIC HEARING:**

- 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.

Ms. Yaley gave a PowerPoint Presentation on the proposed project location and description.

Chair Emerson asked if there were any questions of staff from the Commission.

The Commission raised concerns regarding safety issues with regards to radiation exposure and if there were any Conditions that required the landowner to notify any tenant on the property to the presence of the wireless community facility. They asked who was responsible for maintain the tower once constructed.

Ms. Yaley addressed the Commissions questions and concerns.

Chair Emerson opened the public hearing and asked if there was anyone from the public who wished

to speak on the proposed project. She indicated that there would be a three-minute time limit for public comment.

Two members of the public spoke in favor and asked the Commission to approve the proposed project.

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

A discussion ensued on adding Condition 47 which would require the property owner to notify any tenant on the property to the presence of the wireless community facility.

It was moved by Commissioner Morrow and seconded by Chair Emerson to approve Conditional Use Permit CUP23- 003 based on Findings A through E and subject to Conditions 1 through 47.

Staff roll called for the vote:

Chair Emerson: Aye  
Vice-Chair Santa Maria: Aye  
Commissioner Cherry: Aye  
Commissioner Morrow: Aye  
Commissioner Bechtle: Aye  
Commission Brinegar: Aye  
Commissioner Jordan: Absent

Chair Emerson called for the vote; 6, Ayes, 0; Noes, 0; Abstain

Motion carried: 6 – 0 – 0 With Commissioner Jordan being absent.

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: Mobile home Exclusion Combining District) to A-10:MX (General Agricultural, 10-Acre Minimum: Mobile home 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.

Parcel Information	GP/Zoning Before	GP/Zoning After
Central Portion (071-320-025) 253.29± Acres	General Plan: LR Zoning: AE-37	General Plan: LR Zoning: RE-10
North Portion (071-320-025) 3.16± Acres	General Plan: AG Zoning: AE-37	General Plan: AG Zoning: O

Clark Sintek, Planner I, gave a PowerPoint Presentation on the proposed project location and description.

Chair Emerson asked if there were any questions of staff from the Commission. Seeing none, she opened the public hearing and asked if there was anyone from the public who wished to speak on the proposed project. Seeing no one, she closed the public comment period and referred the item back to the Commission.

It was moved by Commissioner Morrow and seconded by Vice-Chair Santa Maria to vote on the approval of Zone Change RZ23-007 based on Findings A through D.

Staff roll called for the vote:

Chair Emerson: Aye  
Vice-Chair Santa Maria: Aye  
Commissioner Cherry: Aye  
Commissioner Morrow: Aye  
Commissioner Bechtle: Aye  
Commission Brinegar: Aye  
Commissioner Jordan: Absent

Chair Emerson called for the vote; 6, Ayes, 0; Noes, 0; Abstain

Motion carried: 6 – 0 – 0 With Commissioner Jordan being absent.

**ADJOURNMENT:**

Chair Emerson adjourned the meeting.

Respectfully,

Quincy Yaley, AICP  
Community Development Department Director

QY:t

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