



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

TUOLUMNE COUNTY PLANNING COMMISSION BOARD OF SUPERVISORS CHAMBERS, 4TH FLOOR COUNTY ADMINISTRATION CENTER 2 SOUTH GREEN STREET

October 16, 2024
6:00 p.m.*

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
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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:

1. Reports from Commissioners and Staff

** Reports are a brief oral report from a Commission member and/or County staff, and no 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. Meeting Minutes of September 18, 2024

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:

1. DAMBACHER,

1. Resolution for a General Plan Amendment to amend the land use designation of a 5.17± acre parcel (085-280-007) from Rural Residential (RR) to Agricultural (AG) and 5.17± acres of a 61.2± acre parcel (085-050-025) from Agricultural (AG) to Rural Residential (RR) under Title 17 of the Tuolumne County Ordinance Code (TCOC).
2. Ordinance for Zone Change LUNR-23-7 to rezone a 5.17± acre parcel from Residential Estate, Five Acre minimum (RE-5) to Exclusive Agricultural, 37 acre minimum (AE-37) and 5.17± acres of a 61.2± acre parcel from Exclusive Agricultural, 37 acre minimum (AE-37) to Residential Estate, Five acre minimum (RE-5) under Title 17 of the TCOC.

The project site is located at 22394 Lyons Bald Mountain Road near the end of the roadway at the turnoff to Dambacher Mountain Memorial(cemetery) at the intersection of Lyons Bald Mt. Road and Vilas Road past Diestel Turkey. The project site is located within a portion of Sections 16 and 17, Township 2 North, Range 15 East, Mount Diablo Baseline and Meridian and within Supervisorial District. Assessor's Parcel Numbers 085-280-007 and 085-050-025.

2. REICH,

1. Resolution for a General Plan Amendment (GPA) to amend portions of the General Plan land use designations (GP) of three parcels as follows:

APN:	Area (sq.ft) of Amended GP	Existing GP	Proposed GP
089-040-014	3,397.68 sq. ft	LI	BP
038-260-010	217.8 sq.ft.	BP	LI
038-260-010	914.76 sq. ft	BP	GC
038-260-013	1,089 sq.ft.	GC	BP

LI = Light Industrial
 BP = Business Park
 GC = General Commercial

2. Ordinance for a Zone Change to rezone the project site under Title 17 of the Tuolumne County Ordinance Code (TCOC) as follows:

APN:	Area (sq.ft) of Amended Zoning	Current Zoning	Proposed Zoning
089-040-014	3,397.68 sq. ft	M-1	BP
038-260-010	217.8 sq.ft.	BP	M-1
038-260-010	914.76 sq. ft	BP	C-1
038-260-013	1,089 sq. ft	C-1	BP

M-1 = Light Industrial
 BP = Business Park
 C-1 = General Commercial

The project site consists of three parcels located along Longeway Road, approximately 200± feet east of the four-way intersection where North Sunshine Road, Crestview Drive, Longeway Road and Soulsbyville Road intersect. Within a portion of Section 25, Township 2 North, Range 15 East Mount Diablo Baseline and Meridian. The project site is located within Supervisorial District 2. Assessor’s Parcel Numbers: 089-040-014, 038-260-010, and 038-260-013.

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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LUNR-23-7(Dambacher)

SURFACE/MINERAL

RIGHTS OWNER: James and Eileene Dambacher

APPLICANT: James and Eileene Dambacher

DATE: October 3, 2024

PROJECT AND LOCATION

PROJECT

DESCRIPTION:

1. Resolution for a General Plan Amendment to amend the land use designation of a 5.17± acre parcel (085-280-007) from Rural Residential (RR) to Agricultural (AG) and 5.17± acres of a 61.2± acre parcel (085-050-025) from Agricultural (AG) to Rural Residential (RR) under Title 17 of the Tuolumne County Ordinance Code (TCOC).
2. Ordinance for Zone Change LUNR 23-7 to rezone a 5.17± acre parcel from Residential Estate, Five Acre minimum (RE-5) to Exclusive Agricultural, 37 acre minimum (AE-37) and 5.17± acres of a 61.2± acre parcel from Exclusive Agricultural, 37 acre minimum (AE-37) to Residential Estate, five acre minimum (RE-5) under Title 17 of the TCOC.

RECOMMENDATION:

Community Development Department Staff recommends approval of LUNR-23-7 based upon the following findings pursuant to Chapter 17.100.110 of the TCOC:

- A. The amendment will not adversely impact the existing community.
- B. The amendment is consistent with the intent of the vision, goals, and policies of the General Plan as a whole.
- C. The amendment prescribes reasonable controls and standards for affected land uses to promote compatibility with those established, lawful uses.
- D. The amendment provides for the protection of the general health, safety, and welfare of the community.
- E. Amending the General Plan land use designation and Zone Change of the project site is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines*.

LOCATION:

The project site is located at 22394 Lyons Bald Mountain Road near the end of that roadway at the turnoff to Dambacher Mountain Memorial (cemetery) at the intersection of Lyons Bald Mt. Road and Vilas Road past Diestel Turkey. The project site is located within a portion of Sections 16 and 17, Township 2 North, Range 15 East, Mount Diablo Baseline and Meridian and within Supervisorial District. Assessor's Parcel Numbers 085-280-007 and 085-050-025.

SITE DESCRIPTION: The project site consists of two contiguous parcels, APN's: 085-280-007 and 085-050-025. The table below reflects current site conditions on each parcel.

LUNR-23-7(Dambacher)

TABLE 1:

APN:	Site Description:
085-280-007	Consists of dense vegetation. Slopes on site range from 20%-22% northwest to southeast.
085-050-025	Site consists of a small 224 sq.ft. shop, 1,294 sq.ft. single family dwelling and a portion of Dambacher Mountain Memorial Cemetery. Slopes on site range from 10%-11% northwest to southeast.

GENERAL PLAN AMENDMENT AND ZONE CHANGE FINDINGS:

Chapter 17.100 of the TCOC requires that evidence be shown that the proposed project meets the necessary findings for amendments to the General Plan and Zoning Ordinance. Below are the required findings and information to support Staff's recommendation to approve the proposed project.

A. The amendment will not adversely impact the existing community.

1. The General Plan Amendment and Zone Change request are being requested to facilitate a Lot Line Adjustment to adjust property lines between two legal parcels as indicated in the attached Ordinance Map and Exhibit Map T-23-41. The two parcels are currently developed as described in Table 1 above. Exhibit Map T-23-41 has been attached to this report for reference. There would be no increase in the number of parcels or change in size of either parcel. There would not be a change in the development potential of either parcel or a change in allowable uses of either parcel.
2. On January 22, 2024, fourteen adjoining property owners within 1,000 feet were notified of the project via mail. The CDD received no responses on the proposed project.
3. The proposed project has been reviewed by the County of Tuolumne Public Works, Fire Prevention, Survey Division, Building Division and Environmental Health Division. All agencies that reviewed this project either had no comments or no objection to the proposed project. If responses were received, they have been attached to this report.

B. The amendment is consistent with the intent of the vision, goals, and policies of the General Plan as a whole.

4. The project site contains the (RR) and (AG) General Plan land use designations. The RR designation provides for country-estate type 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. 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.
5. The AG designation provides for the production of food, feed, fiber, nursery and apiary commodities and other productive or potentially productive lands where commercial agricultural uses can exist without creating conflicts with other land uses or where potential conflicts can be minimized. This designation is found throughout the County but is concentrated in the western part of the County. Typical land uses allowed include crop production, orchards and vineyards, grazing, pasture and rangeland, recreational farming, resource extraction activities, facilities that directly support agricultural operations and public facilities. Allowable residential development in areas designated

LUNR-23-7(Dambacher)

AG include one single family dwelling and one additional single family dwelling per parcel, caretaker and employee housing and agricultural laborer housing.

- Table 1.3 in the Technical Background Report of the 2018 Tuolumne County General Plan identifies that the zoning and general plan designations will be consistent with one another. The table below shows the consistency between each general plan land use designation and zoning that this project is proposing.

General Plan Designation	Zoning
Rural Residential (RR)	Residential Estate Five Acre Minimum (RE-5 District)
Agricultural (AG)	Exclusive Agricultural Thirty-Seven Acre Minimum (AE-37) District

The proposed project is consistent with the Tuolumne County General Plan and Zoning Ordinance.

C. The amendment prescribes reasonable controls and standards for affected land uses to promote compatibility with those established, lawful uses.

- The general plan amendment and zone change are being proposed to facilitate a lot line adjustment. There would be no increase in the number of parcels or change in size of either parcel. There would not be a change in the development potential of either parcel or a change in allowable uses of either parcel. Please refer to Table 2 and 3 below.

TABLE 2: Before GPA/RZ/LLA

APN	Acreage (gross)	General Plan	Zoning
085-280-007	5.17±	RR	RE-5
085-050-025 (Parcel 1-A)	61.2±	AG	AE-37

TABLE 3: After GPA/RZ/LLA

APN	Acreage	General Plan	Zoning
085-050-025 (Parcel 1-A)	61.2±	AG	AE-37
APN – TBD (Proposed Parcel 1-B)	5.17±	RR	RE-5

- 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.
- The project site contains a mapped blue line stream on the USGS quadrangle maps. The stream runs northwest to southeast on the site. A cultural resource study was not required for the project. The project does not include any development and would therefore not impact cultural resources. The project would not result in an increase in the number of parcels or in an increased development potential. Any future development of the site would comply with Chapter 14.10 of the TCOC and impacts to cultural resources would be analyzed. Therefore, there would be no impact to cultural resources and no cultural resource study or mitigation was required for the proposed project. Should any

LUNR-23-7(Dambacher)

development occur in the future, the building permit would be required to comply with Chapter 14.10 of the TCOC, which addresses the potential discovery of a cultural resources during construction activities.

11. The California Natural Diversity Database (CNDDDB) was consulted for known locations of special status plant species and animal species. The CNDDDB indicates that there are no known special status plant species known to occur within the vicinity of the project site.

The habitat present on the project site include the following: residential-park (rsp), blue oak pine (bop), valley-foothill riparian woodland (VRI), mixed chaparral (mch), montane hardwood conifer (mhc) and montane hardwood (mhw).

According to the Tuolumne County Wildlife Handbook, the rsp habitat type is a designation for urbanized areas, including residential, commercial, and industrial developments, as well as landscaped parks and gardens. The bop habitat type is foothill woodland dominated by blue oak pine, and/or interior live oak, usually with a sparse to moderate canopy cover. The VRI habitat type consist of lower elevation riparian deciduous woodland. The mch habitat type is dominated by one or more species of evergreen shrubs, including scrub oak, chaparral oak, ceanothus species, manzanita species and chamise. The mhc habitat type consists of atleast one-thirds hardwoods (not including riparian trees) and one-third conifers, often forming a dense canopy. The mhw habitat type consists of forests with at least two-thirds hardwoods, usually mixed with some conifers.

The rsp habitat is considered a fourth priority habitat, which are common habitats that are of relatively low value to wildlife most uses would be allowed without wildlife mitigation. The VRI habitat is a second priority habitat, which are habitats that are essential for maintaining diverse and abundant wildlife. The mch, mhc, and mhw habitats are third priority habitats, which are common habitats of considerable value to wildlife.

The project is not proposing any development and therefore no vegetation would be removed as a result of the general plan amendment and zone change, and no habitat would be impacted. The project would not result in an increase in the number of parcels or in the development potential beyond what the current zoning allows. The project would not result in a change in the allowable uses. Therefore, there would be no impacts to wildlife or biological resources.

D. The amendment provides for the protection of the general health, safety, and welfare of the community.

12. The General Plan Amendment and Zone Change is being requested to facilitate a Lot Line Adjustment to amend property lines between two legal parcels as indicated in the attached Ordinance Map and Exhibit Map T-23-41. The two parcels are currently developed as described in Table 1 above. Exhibit Map T-23-41 has been attached to this report for reference. The project is not proposing any new development or any new structures at this time. There would be no increase in the number of parcels or change in size of either parcel. There would not be a change in the development potential of either parcel or a change in allowable uses of either parcel. There will be no handling or storage of hazardous materials. Therefore, the low impact use of the site will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood.

E. Amending the General Plan land use designation and Zone Change of the project site is exempt from environmental review under the California Environmental Quality Act (CEQA)

LUNR-23-7(Dambacher)

pursuant to Section 15061(b)(3) of the *State CEQA Guidelines*.

13. After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines* because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The General Plan Amendment and Zone Change is proposed to facilitate a Lot Line Adjustment to adjust property boundaries between two legal parcels. There would be no increase in the number of parcels or change in size of either parcel. There would not be a change in the development potential of either parcel or a change in allowable uses of either parcel. No development is proposed.
14. 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 of the State CEQA Guidelines 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 apply to this project.

RECOMMENDATION

Community Development Department Staff recommends approval LUNR-23-7 based upon the following findings pursuant to Chapter 17.100.110 of the TCOC:

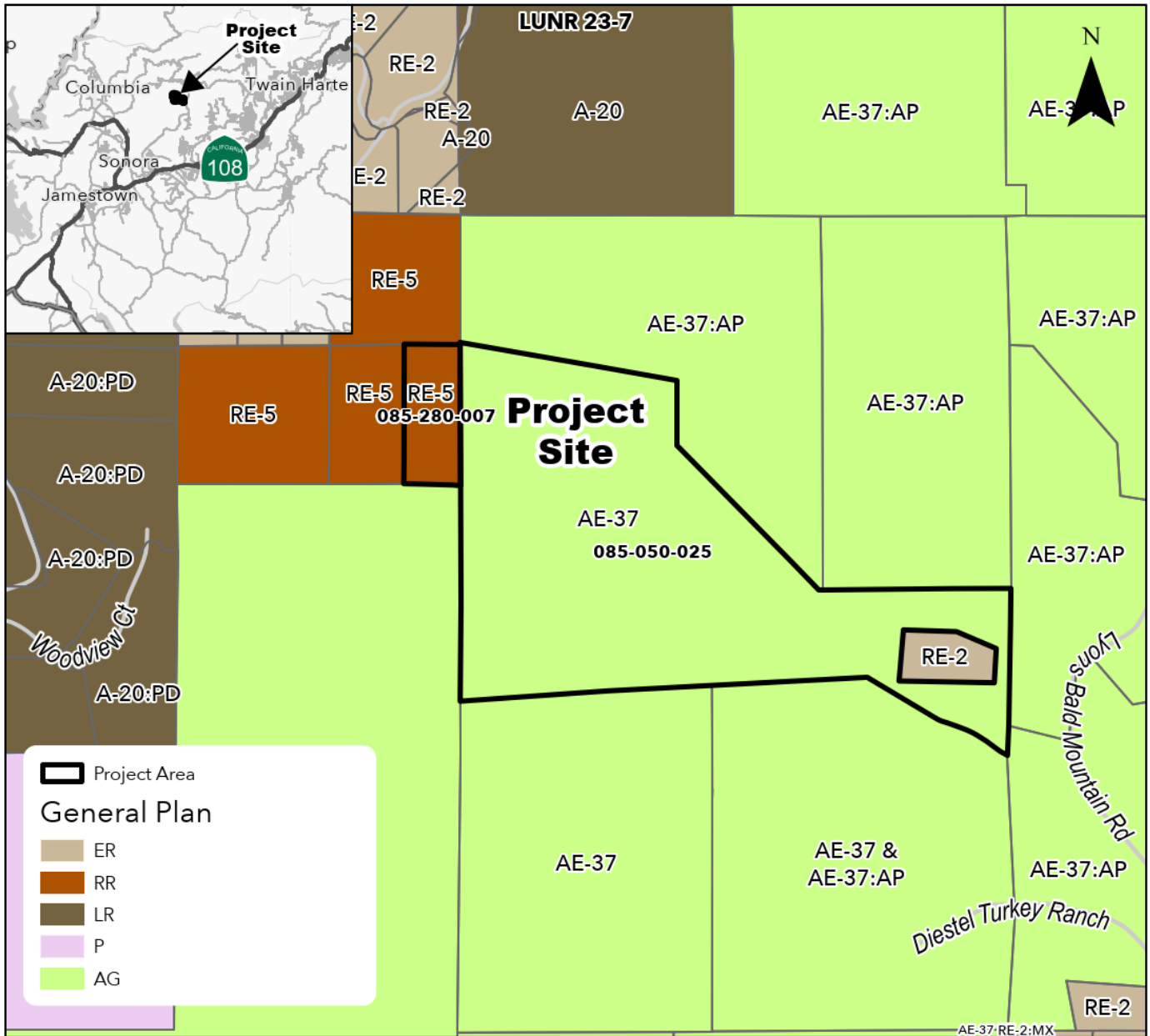
- A. The amendment will not adversely impact the existing community.
- B. The amendment is consistent with the intent of the vision, goals, and policies of the General Plan as a whole.
- C. The amendment prescribes reasonable controls and standards for affected land uses to promote compatibility with those established, lawful uses.
- D. The amendment provides for the protection of the general health, safety, and welfare of the community.
- E. Amending the General Plan land use designation and Zone Change of the project site is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines*.

PREPARED BY: Cheydi Smith, Planner II

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LUNR-23-7(Dambacher)

Attachment 1: Agenda Map



Project: LUNR 23-7

Owner: James and Eileene Dambacher

Applicant: James and Eileene Dambacher

APN: 085-050-025 & 085-280-007

Acres: 66.37± acres

Current Zoning: AE-37 & RE-5

Current General Plan Designation: AG & RR

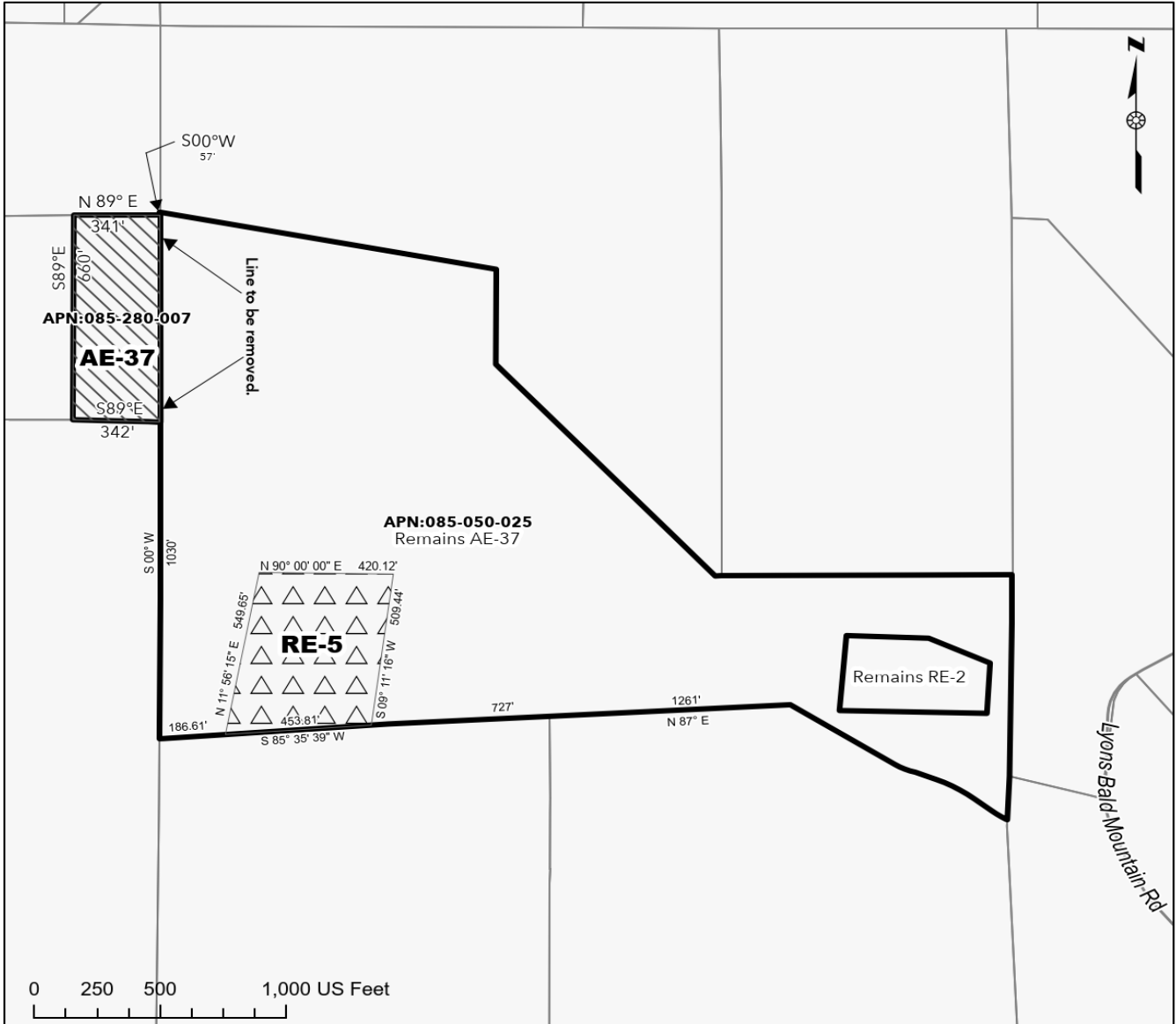
Project Description: LUNR 23-7 proposes a lot line adjustment to merge and reconfigure parcels in the project area. There is also a Resolution for a General Plan Amendment as well as an Ordinance for a Zone Change under Title 17 of the Tuolumne County Ordinance Code.

LUNR-23-7(Dambacher)

Attachment 2: Ordinance Map

Ordinance Map for LUNR 23-7

Exhibit A







APN: 085-050-025

That parcel of land, as shown on the map recorded in the office of the County Recorder of the County of Tuolumne, California on the 18th of March 2021, in volume 61 of Parcel Maps, at page 29.

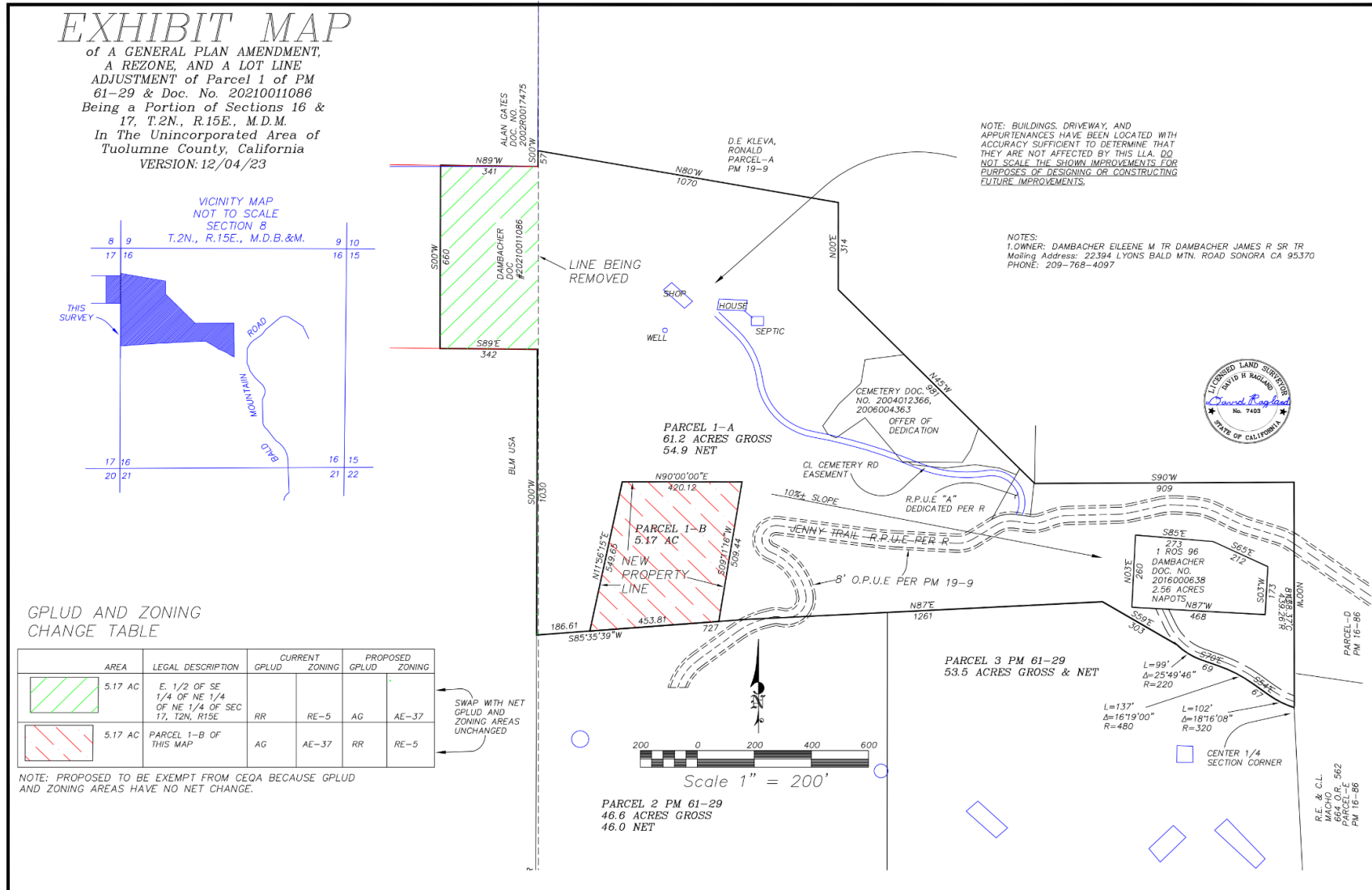
APN: 085-280-007

Parcel four, as described in Exhibit A attached to the deed recorded in Tuolumne County Official Records in the office of the County Recorder of the County of Tuolumne, California on the 19th of July, 2021, as Document Number 2021011086.

-  Project Area
-  Cadastral Parcels
-  New parcel rezoned to RE-5
-  Rezoned to AE-37

LUNR-23-7(Dambacher)

Attachment 3: Exhibit Map T-24-41





Department of Public Works

Blossom Scott-Heim, P.E.
Director

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
209.533.5601

www.tuolumnecounty.ca.gov

MEMORANDUM

ADMINISTRATION

Assistant to the
Department Head
Emma Hawks
209.694.2718

AIRPORTS

Airport Manager
Tonya Scheftner, P.G.
209.533.5685

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ROAD OPERATIONS

Superintendent of
Roads and Fleet
Mike Cognetti
209.533.5609

SOLID WASTE

Solid Waste Director
Deborah Reagan
209.533.5588

SURVEYING

County Surveyor
Warren Smith, L.S.
209.533.5626

Date: June 26, 2024

To: Amy Augustine, AICP
Quincy Yaley, AICP, Community Development Director
Warren Smith, County Surveyor

From: Blossom Scott-Heim, P.E., Director *BSH*
Dave Ruby, AICP, Engineer II *DR*

Re: LUNR-23-7 (TPM 23-041 for Lot Line Adjustment; General Plan Amendment; Zone Change), Dambacher
Assessor's Parcel Nos.: 085-050-025 and 085-280-007

According to the Tuolumne County Ordinance Code, Section 16.09.020B., the Engineering Division of the Department of Public Works' review of lot line adjustments is limited to determine whether existing utilities, infrastructure, and easements will need to be relocated.

This project would merge APNs 085-050-025 (approximately 61.2 acres in size, zoned AE-37) and 085-280-007 (approximately 5.17 acres, zoned RE-5), and then create a configuration of two new parcels, also 61.2 and 5.17 acres in size. To accomplish this change in parcel configuration, a General Plan Amendment and Zone Change are also required, in addition to the Tentative Parcel Map.

EXISTING UTILITIES AND POTENTIAL IMPACTS:

The larger existing parcel (APN 085-050-025) is served by a private well and septic system. No existing utilities, private or public, are indicated on the smaller existing parcel (APN 085-280-007) on the submitted Exhibit. There are no utilities (existing or proposed) shown on the proposed 5.17-acre Parcel 1-B, to be located near the southwest corner of the lands in question.

EXISTING INFRASTRUCTURE AND POTENTIAL IMPACTS:

None anticipated.

EXISTING OR NEEDED EASEMENTS FOR ACCESS OR INFRASTRUCTURE:

There are existing RPUEs (for Jenny Trail, and a cemetery road easement which also serves as a driveway to the existing house structure on APN 085-050-025) and OPUEs (evident fronting the existing Jenny Trail OPUE), and what appears to be an access easement from the southeast corner of the lands to APN 085-050-010, a parcel surrounded by existing parcel APN 085-050-025). These easements should persist, and should not be affected by the proposed revision to the lot line separating the parcels. The proposed Parcel 1-B appears to not have legal access (i.e., to Jenny Trail), so an access easement should be provided for.

The Public Works Department has no comments on the proposed General Plan Amendment or Zone Change actions.

LUNR-24-3(Reich)

SURFACE/MINERAL

RIGHTS OWNER: David Reich

APPLICANT: Jack Gnipp

DATE: October 3, 2024

PROJECT AND LOCATION

PROJECT DESCRIPTION:

1. Resolution for a General Plan Amendment (GPA) to amend portions of the General Plan land use designations (GP) of three parcels as follows:

APN:	Area (sq.ft) of Amended GP	Existing GP	Proposed GP
089-040-014	3,397.68 sq. ft	LI	BP
038-260-010	217.8 sq.ft.	BP	LI
038-260-010	914.76 sq. ft	BP	GC
038-260-013	1,089 sq.ft.	GC	BP

LI = Light Industrial
BP = Business Park
GC = General Commercial

2. Ordinance for a Zone Change to rezone the project site under Title 17 of the Tuolumne County Ordinance Code (TCOC) as follows:

APN:	Area (sq.ft) of Amended Zoning	Current Zoning	Proposed Zoning
089-040-014	3,397.68 sq. ft	M-1	BP
038-260-010	217.8 sq.ft.	BP	M-1
038-260-010	914.76 sq. ft	BP	C-1
038-260-013	1,089 sq. ft	C-1	BP

M-1 = Light Industrial
BP = Business Park
C-1 = General Commercial

RECOMMENDATION:

Community Development Department Staff recommends approval of LUNR-24-3 based upon the following findings pursuant to Chapter 17.100.110 of the TCOC:

- A. The amendment will not adversely impact the existing community.
- B. The amendment is consistent with the intent of the vision, goals, and policies of the General Plan as a whole.
- C. The amendment prescribes reasonable controls and standards for affected land uses to promote compatibility with those established, lawful uses.
- D. The amendment provides for the protection of the general health, safety, and welfare of the community.
- E. Amending the General Plan land use designation and Zone Change of the project site is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines*.

LUNR-24-3(Reich)

LOCATION:

The project site consists of three parcels located along Longeway Road, approximately 200± feet east of the four-way intersection where North Sunshine Road, Crestview Drive, Longeway Road and Soulsbyville Road intersect. Within a portion of Section 25, Township 2 North, Range 15 East Mount Diablo Baseline and Meridian. The project site is located within Supervisorial District 2. Assessor's Parcel Numbers: 089-040-014, 038-260-010, and 038-260-013.

SITE DESCRIPTION:

The project site consists of three contiguous parcels, APN's: 089-040-014, 038-260-010 and 038-260-013. The proposed general plan amendment and zone change are being proposed to facilitate a minor lot line adjustment. The table below reflects current site conditions.

TABLE 1:

APN:	Site Description:
089-040-014 (Proposed Parcel 3)	Consists of an approximate 121 square foot shop, gravel and dirt area. The slope onsite is almost at grade level ranging from 0 to a negative 4% slope in the northeast direction of the parcel.
038-260-010 (Proposed Parcel 2)	Site consists of a small 1,000 sq.ft. shop and gravel staging parking lot for El Dorado Septic. Site plan reflects a proposed commercial building to be constructed at a later date.
038-260-013 (Proposed Parcel 1)	The site currently consists of a commercial drive-thru coffee business, Day-O. On the southwest portion of the parcel, the site is developed with paved ingress and egress access to the coffee shop business and the neighboring parcels containing Reich's Outpost and Gas Station (gas station site not a part of this project). The northwest portion of this parcel consist of a gravel parking lot where employees of the Day-O business and Reich's Outpost/Gas Station park vehicles. Slopes on the parcel range from negative 2% to negative 4% south to north.

GENERAL PLAN AMENDMENT AND ZONE CHANGE FINDINGS:

Chapter 17.100 of the TCOC requires that evidence be shown that the proposed project meets the necessary findings for amendments to the General Plan and Zoning Ordinance. Below are the required findings and information to support Staff's recommendation to approve the proposed project.

A. The amendment will not adversely impact the existing community.

1. The General Plan Amendment and Zone Change request is being requested to facilitate

LUNR-24-3(Reich)

a Lot Line Adjustment to adjust property lines between three legal parcels as indicated in the attached Ordinance Map and Exhibit Map T-24-3. The three parcels are currently developed as described in Table 1 above. There would be no increase in the number of parcels. Exhibit Map T-24-3 has been attached to this report for reference. The Lot Line Adjustment will be considered for approval by the County Surveyor should LUNR-24-3 be approved.

2. On July 10, 2024, forty-five adjoining property owners within 300 feet were notified of the project via mail. The CDD received no responses on the proposed project.
3. The proposed project has been reviewed by the County of Tuolumne Public Works, Tuolumne Utilities District, and the Tuolumne Me-Wuk Tribal Council. All agencies that reviewed this project either had no comments or no objection to the proposed project. Copies of the responses received have been attached to this report.

B. The amendment is consistent with the intent of the vision, goals, and policies of the General Plan as a whole.

4. The project site contains the (GC), (LI) and (BP) General Plan land use designations. The GC designation provides for a variety of sales and service establishments which serve both the residents of Tuolumne County and its visitors. This designation is found within urban areas and along highway corridors to provide large scale retail and office operations in buildings not exceeding 50 feet in height. Accessory outdoor storage and display areas are permitted under this designation. Establishments in this category have a larger market area and greater volume of customers than those under the NC designation. Buildings in this designation are limited to 50 feet in height. Typical establishments permitted under this designation include shopping centers, hotels, motels, restaurants, bars, department stores, gift shops and professional offices.
5. The LI designation provides for industrial land uses with an emphasis on manufacturing, processing, assembly, storage, distribution, and research and development activities. This designation is applied to areas with good access to major truck transportation routes and rail lines, located near concentrated residential areas so that employee commute times and distances are minimized. Typical land uses allowed include all types of manufacturing and processing activities, business support services and public facilities. One (1) dwelling unit per parcel is allowed under this designation.
6. 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. This designation is applied to areas with good access to major truck transportation routes and rail lines, located near concentrated residential areas so that employee commute times and distances are minimized. Typical land uses allowed include all types of manufacturing and processing activities, wholesale businesses, business support services, retail and service commercial uses necessary to support manufacturing and processing activities and those employed in those activities, public utility and safety facilities and similar and compatible uses. One (1) dwelling unit per parcel is allowed under this designation.
7. Table 1.3 in the Technical Background Report of the 2018 Tuolumne County General Plan identifies that the zoning and general plan designations will be consistent with one another. The table below shows the consistency between each general plan land use designation and zoning that this project is proposing.

LUNR-24-3(Reich)

General Plan Designation	Zoning
General Commercial (GC)	General Commercial (C-1)
Light Industrial (LI)	Light Industrial (M-1)
Business Park (BP)	Business Park (B-P)

The proposed project is consistent with the Tuolumne County General Plan and Zoning Ordinance.

C. The amendment prescribes reasonable controls and standards for affected land uses to promote compatibility with those established, lawful uses.

8. The proposed general plan amendment and zone change are being proposed to facilitate a lot line adjustment. The three legal parcels are currently developed and have allowable uses that are supported both by the existing general plan and zoning designations.
9. 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.
10. During review of LUNR-24-3 staff noted that the site was adjacent to a cultural site route (P-55-007694) mapped on the County's Geographic Information System (GIS) Program. The Central California Information Center was contacted for information regarding the cultural site route. Their response indicated that their maps did not identify P-55-007694 anywhere near the project area and CDD staff did not observe any resources on the site. Building permits are reviewed in accordance with Chapter 14.10 of the TCOC, including protection of resources identified during construction. Based on the state response, that no other indicators were present on site, and that no resources were observed by CDD staff during site inspections, a cultural resource study was not required for the proposed project.
11. The California Natural Diversity Database (CNDDDB) was consulted for known locations of special status plant species and animal species. The CNDDDB indicates that there are no known special status plant species known to occur within the vicinity of the project site.
12. The habitat present on the project site is residential-park (rsp). According to the Tuolumne County Wildlife Handbook, the rsp habitat type is a designation for urbanized areas, including residential, commercial, and industrial developments, as well as landscaped parks and gardens. The rsp habitat is considered a fourth priority habitat, which are common habitats that are of relatively low value to wildlife. The project is not proposing any development and therefore no vegetation would be removed as a result of the general plan amendment and zone change, and no habitat would be impacted. The project would not result in an increase in the number of parcels or in the development potential beyond what the current zoning allows. Therefore, there would be no impacts to wildlife or biological resources.

LUNR-24-3(Reich)

D. The amendment provides for the protection of the general health, safety, and welfare of the community.

13. The General Plan Amendment and Zone Change is being requested to facilitate a minor Lot Line Adjustment to amend property lines between three legal parcels as indicated in the attached Ordinance Map and Exhibit Map T-24-3. The project is not proposing any new development or any new structures at this time. The project would not increase the number of parcels or change allowable uses on the site. Therefore, the low impact use of the site will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood.

E. Amending the General Plan land use designation and Zone Change of the project site is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines*.

14. After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines* because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The general plan amendment and zone change is proposed to facilitate a Lot Line Adjustment to adjust property boundaries between three legal parcels. This would not result in an increased development potential of any parcel and there would be no increase in the number of parcels. The project would not change the allowable uses on the site. There would be no significant effect on the environmental as a result of approving the project.
15. 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 of the State CEQA Guidelines 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 apply to this project.

Tuolumne County Planning Commission (TCPC)

(Text to be completed after TCPC Decision)

RECOMMENDATION

Community Development Department Staff recommends approval LUNR-24-3 based upon the following findings pursuant to Chapter 17.100.110 of the TCOC:

- A. The amendment will not adversely impact the existing community.
- B. The amendment is consistent with the intent of the vision, goals, and policies of the General Plan as a whole.
- C. The amendment prescribes reasonable controls and standards for affected land uses to promote compatibility with those established, lawful uses.

LUNR-24-3(Reich)

- D. The amendment provides for the protection of the general health, safety, and welfare of the community.
- E. Amending the General Plan land use designation and Zone Change of the project site is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the *State CEQA Guidelines*.

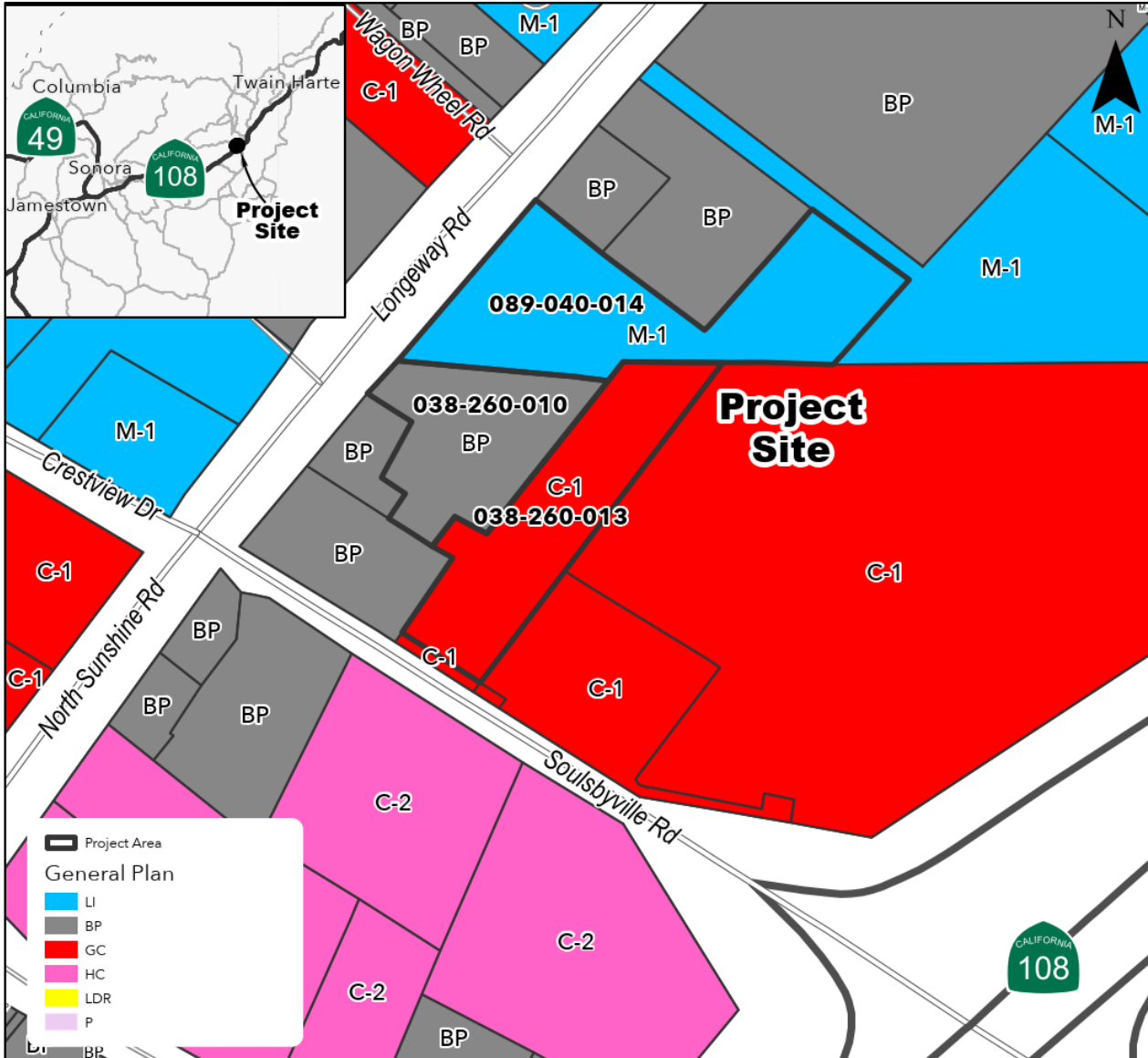
PREPARED BY: Cheydi Smith, Planner II

S:\Planning\PROJECTS\LUNR Projects\2024\LUNR-24-3 (Reich's - GPA-RZ- LLA)\Agenda & Conditions\Agenda Report_Reichs.docx

LUNR-24-3(Reich)

Attachment 1: Agenda Map

LUNR 24-3



Project: LUNR 24-3

Owner: David Reich

Applicant: Jack Gnipp

APNs: 089-040-014, 038-260-010, 038-260-013

Acres: 0.13 ± acres

Current Zoning: M-1, BP, C-1

Current General Plan Designation: LI, BP, GC

Project Description: Resolution for General Plan Amendment to amend portions of the General Plan and Ordinance for Zone Change to rezone project site of three parcels. Portions of 089-040-014 to be rezoned from M-1 to BP with General Plan Amendment from LI to BP. Portions of 038-260-010 to be rezoned from BP to M-1 or C-1 with General Plan Amendment from BP to LI or GC. Portions of 038-260-013 to be rezoned from C-1 to BP with General Plan Amendment from GC to BP.

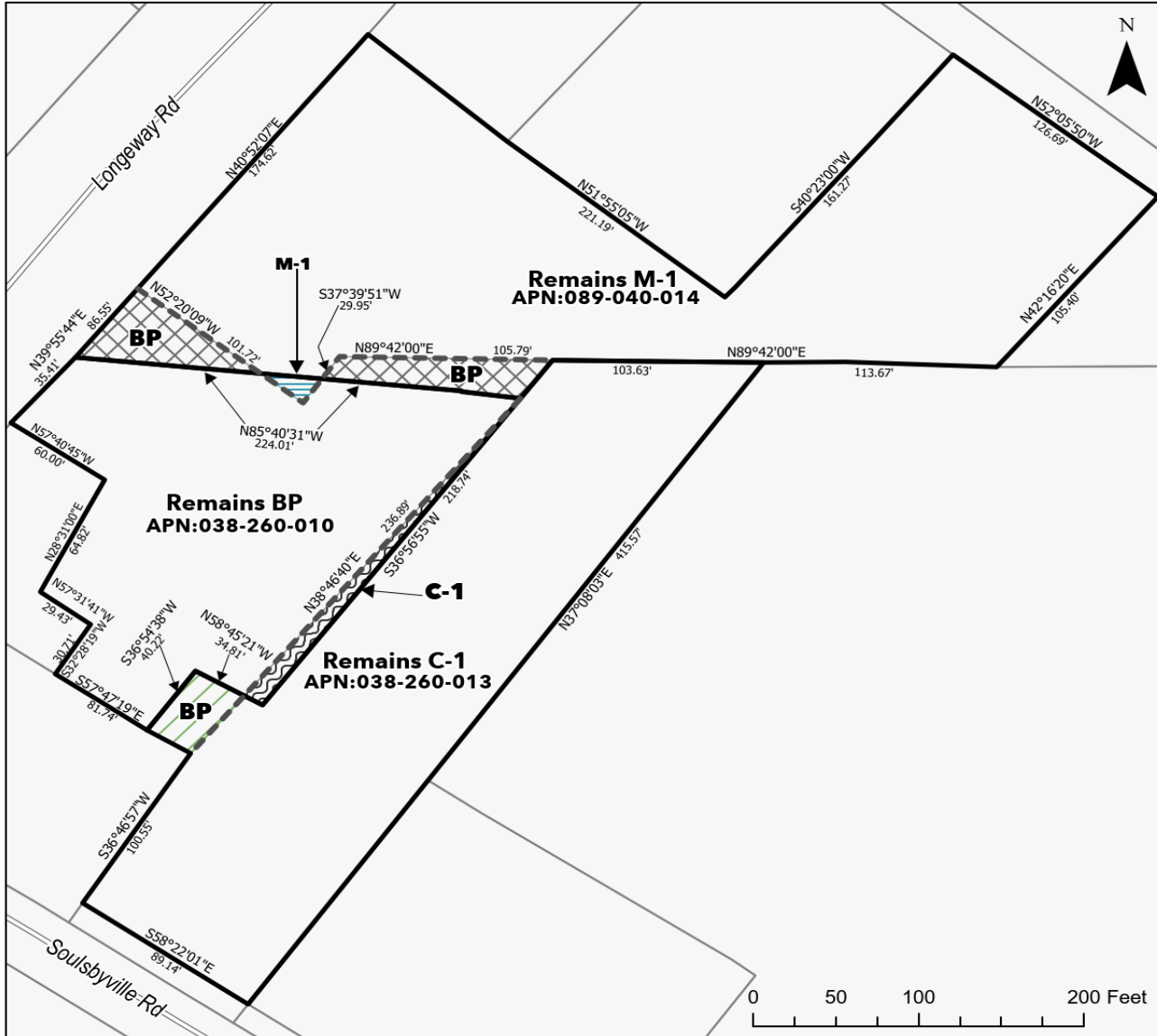
Path: X:\Planning\Temp_Shapefiles\LUNR 24-3 (Reich's)\LUNR_24-3\LUNR_24-3.aprx

Date Saved: 8/8/2024 12:57 PM

LUNR-24-3(Reich)

Attachment 2: Ordinance Map

Exhibit A



APN : 089-040-014 and 038-260-010 :

That parcel of land, described in the Deed recorded in the office of the County Recorder of the County of Tuolumne, California on November 15, 2016, in document number 2016013944 of Official Records.

APN : 038-260-013

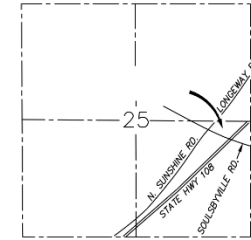
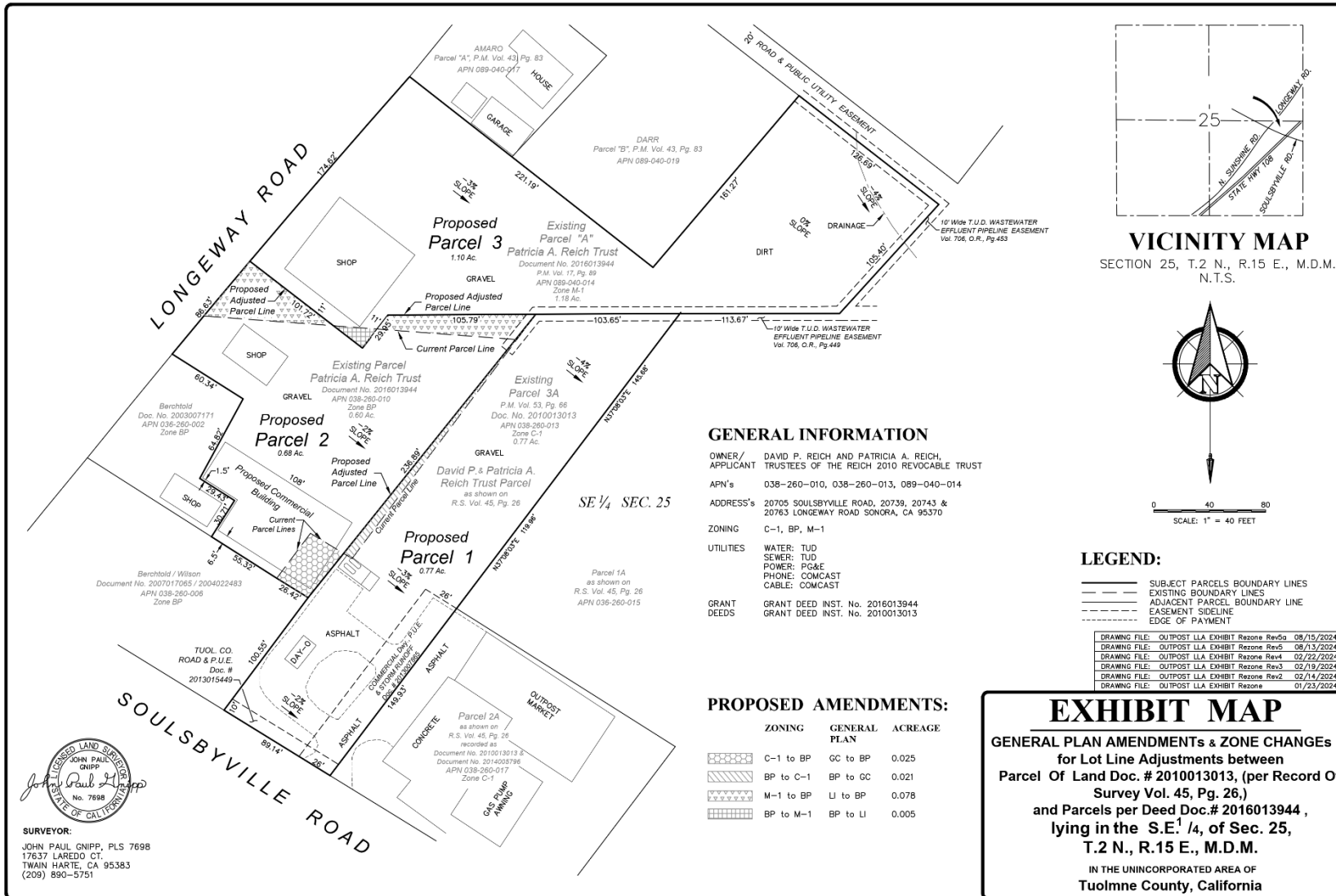
That parcel of land, as shown on the map recorded in the Office of the County Recorder of the County of Tuolumne, California on March 05, 2020, in Volume 46 of Record of Surveys, at page 40.

- Parcel Lines
- Proposed Lot Line (24T-003)
- Zoning change C-1 to BP
- Zoning change BP to M-1
- Zoning change BP to C-1
- Zoning change M-1 to BP

LUNR 24-3

LUNR-24-3(Reich)

Attachment 3: Exhibit Map T-24-3



VICINITY MAP

SECTION 25, T.2 N., R.15 E., M.D.M. N.T.S.



0 40 80
SCALE: 1" = 40 FEET

GENERAL INFORMATION

OWNER/APPLICANT DAVID P. REICH AND PATRICIA A. REICH, TRUSTEES OF THE REICH 2010 REVOCABLE TRUST
 APN's 038-260-010, 038-260-013, 089-040-014
 ADDRESS'S 20705 SOULSBYVILLE ROAD, 20739, 20743 & 20763 LONGEWAY ROAD SONOMA, CA 95370
 ZONING C-1, BP, M-1
 UTILITIES WATER: TUD
 SEWER: TUD
 POWER: PG&E
 PHONE: COMCAST
 CABLE: COMCAST
 GRANT DEEDS GRANT DEED INST. No. 2016013944
 GRANT DEED INST. No. 2010013013

LEGEND:

- SUBJECT PARCELS BOUNDARY LINES
- - - EXISTING BOUNDARY LINES
- - - ADJACENT PARCEL BOUNDARY LINE
- - - EASEMENT SIDELINE
- - - EDGE OF PAYMENT

DRAWING FILE:	OUTPOST LLA EXHIBIT Rezone Rev5a	08/15/2024
DRAWING FILE:	OUTPOST LLA EXHIBIT Rezone Rev5	08/13/2024
DRAWING FILE:	OUTPOST LLA EXHIBIT Rezone Rev4	02/22/2024
DRAWING FILE:	OUTPOST LLA EXHIBIT Rezone Rev3	02/19/2024
DRAWING FILE:	OUTPOST LLA EXHIBIT Rezone Rev2	02/14/2024
DRAWING FILE:	OUTPOST LLA EXHIBIT Rezone	01/23/2024

PROPOSED AMENDMENTS:

ZONING	GENERAL PLAN	ACREAGE
C-1 to BP	GC to BP	0.025
BP to C-1	BP to GC	0.021
M-1 to BP	LI to BP	0.078
BP to M-1	BP to LI	0.005

EXHIBIT MAP

GENERAL PLAN AMENDMENTS & ZONE CHANGES
 for Lot Line Adjustments between
 Parcel Of Land Doc. # 2010013013, (per Record Of
 Survey Vol. 45, Pg. 26.)
 and Parcels per Deed Doc.# 2016013944,
 lying in the S.E. 1/4, of Sec. 25,
 T.2 N., R.15 E., M.D.M.

IN THE UNINCORPORATED AREA OF
 Tuolumne County, California



SURVEYOR:
 JOHN PAUL GNIPP, PLS 7698
 17637 LAREDO CT.
 TWAIN HART, CA 95383
 (209) 890-5751



Department of Public Works

Blossom Scott-Heim, P.E.
Director

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

MEMORANDUM

Date: July 31, 2024

To: Cheydi Gonzales, Planner II

From: Blossom Scott-Heim, P.E., Director *BSH*
Dave Ruby, AICP, Engineer II *DR*

Re: LUNR-24-3, Reich GPA and RZ
Assessor's Parcel Nos.: 038-260-010, 038-260-013, and 089-040-014

This proposed General Plan Amendment and Zone Change would adjust the various chunks of land being adjusted between three parcels, appurtenant to Lot Line Adjustment T-24-3. The Public Works Department reviewed T-24-3 and issued its review memorandum on February 15, 2024.

The Public Works Department, Engineering Division has reviewed the application documents for this General Plan Amendment and Zone Change, and has no comments or conditions at this time.

P:\Development\Conditions of Approval\2024\LUNR-24-3 Reich GPA-RZ - PW Review 20240731.docx

ADMINISTRATION
Assistant to the
Department Head
Emma Hawks
209.694.2718

AIRPORTS
Airport Manager
Tonya Scheftner, P.G.
209.533.5685

BUSINESS
Agency Fiscal Officer
209.533.5972

ENGINEERING
Supervising Engineer
209.533.5904

FLEET SERVICES
Fleet Services Manager
Orlando Magdaleno
209.536.1622

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

ROAD OPERATIONS
Superintendent of
Roads and Fleet
Mike Cagnetti
209.533.5609

SOLID WASTE
Solid Waste Director
Deborah Reagan
209.533.5588

SURVEYING
County Surveyor
Warren Smith, L.S.
209.533.5626



TUOLUMNE UTILITIES DISTRICT

18885 Nugget Blvd. | Sonora, CA 95370

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

July 23, 2024

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

**RE: GENERAL PLAN AMENDMENT AND ZONE CHANGE LUNR-24-3, REICH
APN: 089-040-014, 038-260-010, AND 038-260-013**

To Whom It May Concern:

The following is in response to your letter to advisory agencies dated July 10, 2024. Water and/or sewer capacity is not reserved for the project until all capacity fees have been paid. The District is not obligated to serve the development until certain conditions are fulfilled, some of which are listed below. The project proponent is advised to contact the District as soon as possible to discuss the conditions of service and the associated fees.

WATER SYSTEM INFORMATION and CAPACITY

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

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

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

Water Storage Capacity: Mono Vista Water Storage Tank - Adequate Capacity Exists.

Water Pumping Capacity: Not Applicable.

Water Distribution Capacity: A 6-inch District water main is located in the Longeway Road right of way adjacent to the project site. A 6-inch District water main is located in the Soulsbyville Road right of way adjacent to APN: 038-260-013. A water service of unknown size or location is stubbed to each of the three properties with each having an active utility billing account.

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

SEWER SYSTEM INFORMATION and CAPACITY

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

Sewer Collection Capacity: A 6-inch District sewer main is located in the Soulsbyville Road right of way adjacent to APN: 038-260-013. A 6-inch District sewer main is located along the common property line of APNs: 038-260-013 and 089-040-014. A sewer service of unknown size or location is stubbed to each of the three properties with each having an active utility billing account.

Sewer Pumping Capacity: Not Applicable.

Sewer Treatment Capacity: Sonora Regional Wastewater Treatment Facility - Adequate capacity exists.

Sewer Disposal Capacity: Regional Reclamation System - Adequate capacity exists.

CONDITIONS OF SERVICE:

Water

1. Water Service(s): The project proponent would be required to cover any costs associated with adding, relocating and/or upsizing water facilities/services required to serve to development including abandonment of water facilities/services not utilized by the project.

Sewer

2. Sewer Service(s): The project proponent would be required to cover any costs associated with adding, relocating and/or upsizing sewer facilities/services required to serve to development including abandonment of sewer facilities/services not utilized by the project.

General

3. Water and Sewer Capacity Charges (Change in Use fees for Proposed Commercial Building): The project appears to propose construction of a new commercial building on proposed Parcel 2; this may constitute a "change in use"; therefore, water/sewer change in use fees may apply. Prior to service by the District, the project proponent would be required to pay all applicable fees and charges. In cases where it is determined that existing District facilities do not contain sufficient capacity to serve the project, the project proponent would be required to construct or improve District facilities before service can be provided. The project proponent is advised to contact the District at the early stages of project development for an estimate of these fees and/or charges. Fees and/or charges are subject to increases on July 1st annually.

Regards,



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



**TUOLUMNE ME-WUK TRIBAL COUNCIL
CULTURAL RESOURCES DEPARTMENT**

P.O. Box 699
Tuolumne, California 95379
Telephone (209) 928-5300

July 22, 2024

Community Development Department

Cheydi Gonzales

2 S. Green Street

Sonora, CA 95370

RE: General Plan Amendment and Zone Change: LUNR-24-3

Assessor's Parcel Number(s) (APN): 089-040-014, 038-260-010, 038-260-013

Dear Ms. Gonzales,

The Tribe is in receipt of your communication dated July 10, 2024, regarding the above referenced project. Upon reviewing said documentation the Tribe agrees with the proposed conditional use permit and zone change for the above referenced parcel. We have no further concerns or comments currently.

Thank you for keeping us updated.

Best regards,

Audrey Gower

Cultural Resource Coordinator

Tuolumne Me-Wuk Tribal Council

agower@mewuk.com

(209) 928-5300



COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP
Director

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

UNAPPROVED

MINUTES OF THE TUOLUMNE COUNTY PLANNING COMMISSION

September 18, 2024, 6:00 PM

Board of Supervisors Chambers County Administration Center

4th Floor 2 S. Green St. Sonora, CA 95370

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

PRESENT: Chair Catherine Santa Maria; Vice-Chair Jim Jordan; Commissioners Jerry Morrow, Wesley Brinegar, Jim Cherry

ABSENT: None

STAFF: Quincy Yaley, Community Development Director; Natalie Rizzi, Supervising Senior Planner

CALL TO ORDER/WELCOME:

Chair Catherine Santa Maria called the meeting of September 18, 2024, to order at 6:00 p.m. and led the Pledge of Allegiance.

PLANNING COMMISSION BUSINESS:

1. Reports from Commissioners and Staff

None

2. Report from the Agricultural Advisory Committee Representative

Commissioner Morrow noted that there would be an Agricultural Advisory Committee meeting the following week.

3. Meeting Minutes of July 17, 2024

MOTION: Approval of the meeting minutes of July 17, 2024.

RESULT: Approved

MOVED: Commissioner Morrow

SECONDED: Vice-Chair Jordan

AYES: Chair Santa Maria; Vice-Chair Jordan; Commissioners Cherry, Brinegar and Morrow

NOES: None

PUBLIC COMMENT:

Chair Santa Maria 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 for public comment.

PUBLIC HEARING:

1. LONG GULCH RANCH,

1. **Zone Change RZ20-002** to rezone the 82.2-acre site from Exclusive Agricultural, Thirty-

Seven Acre Minimum:Airport Combining (AE-37:AIR) to Residential Estate, Five-Acre Minimum:Airport Combining and Open Space (RE-5:AIR and O) under Title 17 of the Tuolumne county ordinance Code (TCOC).

2. **Tentative Subdivision Map T20-002** to divide the 82.2-acre parcel into 13 residential lots, ranging in size from 5.0 acre to 10.07 acres.
3. **Approval of the Mitigative Negative Declaration** for Zone change RZ20-002 and Tentative Subdivision Map T20-002.

Quincy Yaley gave a PowerPoint presentation on the proposed project location and description.

Chair Santa Maria asked if the Commission had any questions for staff.

The Commission asked clarifying questions regarding the emergency response time and the 10-acre ALUC requirements. They asked if there were any restrictions to drilling additional wells if needed.

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

Ron Kopf, project proponent, discussed the difficulties of connecting to public water and sewer. He also discussed the requirements of utilizing wells and septic systems to ensure their ability to serve the project.

Pete Kampa, Groveland Community Services District Manager, expressed frustration with the proposed project and the design to avoid connection to public water and sewer. He raised concerns with the possible lack of fire response to the project site. He indicated that GCSD is willing to work with applicant to provide services to the project site.

Chair Santa Maria closed the public comment period and referred them item back to the Commission.

The Commission asked questions of the applicant about connecting the public water and sewer.

Mr. Kopf replied that he is willing to working with GCSD but does not want the project to be conditioned to require public water and sewer.

MOTION: Recommend approval of RZ20-002 based on Findings A through E; Recommend approval of Tentative Subdivision Map T20-002 based on Findings A through D.

RESULT: **Failed**

MOVED: Commissioner Morrow

SECONDED: Vice-Chair Jordan

AYES: Chair Santa Maria; Vice-Chair Jordan; and Commissioner Morrow

NOES: None

ABSTAIN: Commissioner Brinegar and Cherry

Chair Santa Maria adjourned the meeting.

APPROVED:

Quincy Yaley, AICP
Community Development Department Director

QY: tv