



COMMUNITY DEVELOPMENT DEPARTMENT

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

August 5, 2026

4:00 p.m.*

48 Yaney Avenue, Sonora
Mailing: 2 S. Green Street
Sonora, CA 95370
(209) 533-5633
(209) 536-1622 (Fleet)
(209) 533-5616 (fax)
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(209) 533-5698 (fax - Roads)
www.tuolumnecounty.ca.gov

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

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

PLANNING COMMISSION BUSINESS:

1. Reports from Commissioners and Staff

** Reports are brief oral reports 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

None

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. **SOLARI, LUNR-26-24** Rezone 32.13± acres of a 160.33-acre parcel from AE-37:MX:AIR (Exclusive Agricultural, Thirty Seven Acre Minimum: Mobile Home Foundation Combining: Airport Combining) to 31.6± acres of Open Space: Airport Combining (O:AIR) and 0.49± acres of Open Space-1: Airport Combining (O-1:AIR) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

The project site is located at 10085, 10079, and 10095 North Airport Road in the community of Columbia, southwest of the intersection of North Airport Road and Chili Gulch Road. Assessor's Parcel Number 032-120-040.

2. **MONSON, LUNR-26-9**, Rezone (LUNR 26-9) 1.55± acres from Medium Density Residential: Design Review Combining: Mobilehome Foundation Combining: Airport Combining (R-2:D:MX:AIR) District to Multiple Family Residential: Design Review Combining: Mobilehome Foundation Combining: Airport Combining (R-3:D:MX:AIR) District under Title 17 of the Tuolumne County Ordinance Code (TCOC).

The project site is at 21901 Parrotts Ferry Road. A portion of Section 23, Township 2 North, Range 14 East, Mount Diablo Baseline and Meridian. Assessor's Parcel Number 033-032-004.

3. BOSMAN, LUNR-26-3,

1. Rescind existing Williamson Act Contract 05WA-63 and execute new Williamson Act Contract 26WA-001 on a 407.98± acre parcel zoned Exclusive Agricultural, 37-Acre Minimum with the Agricultural Preserve Combining District (AE-37:AP): Assessor Parcel Number (APN) 063-260-009, pursuant to Tuolumne County Resolution No. 106-04.
2. Amend Agricultural Preserve 71-5 by removing APN's 071-060-071, 071-060-042, 071-060-043, and 071-060-044, totaling approximately 174.26± acres, while retaining APN 063-260-009 within Agricultural Preserve 71-5.
3. Rezone APNs 071-060-041, 071-060-042, 071-060-043, and 071-060-044 from Exclusive Agricultural, 37-Acre Minimum with the Agricultural Preserve Combining District (AE-37:AP) to Exclusive Agricultural, 37-Acre Minimum (AE-37).

The project site is located at 27077 Cooperstown Road, approximately 2.5 miles north of the intersection of State Route 132 and La Grange Road, along the Tuolumne and Stanislaus County line. The site is located within portions of Section 36, Township 2 South, Range 13 East, and Section 1, Township 3 South, Range 13 East, Mount Diablo Base and Meridian, within Supervisorial District 4. Assessor's Parcel Numbers 063-260-009 (proposed to remain under Williamson Act Contract 26WA-001) and 071-060-041, 071-060-042, 071-060-043, and 071-060-044 (proposed to be removed from Williamson Act Contract 05WA-63).

4. Recommendation to the Tuolumne County Board of Supervisors for Consideration of adopting an ordinance amending Chapters 17.32 and 17.36 of Tuolumne County Ordinance Code related to legal nonconforming structures and accessory dwelling unit (ADU) development standards.
5. Presentation on Title 17 and ministerial vs. discretionary permitting.

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 Friday, 8:00 a.m. 4:00 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-25-24 (Solari RZ)

DATE: August 5, 2026

SURFACE/MINERAL RIGHTS OWNER: William S. Solari, II et al Trustee

APPLICANT: Land and Structure

PROJECT SITE SIZE: 160.33± Acres

CURRENT ZONING: AE-37:MX:AIR

PROPOSED ZONING: Portions to O:AIR and O-1:AIR

GENERAL PLAN: General Agricultural (AG)

SUPERVISORIAL DISTRICT: 5 - Brandon

PROJECT AND LOCATION

PROJECT DESCRIPTION:

LUNR 15-24: Rezone 32.13± acres of a 160.33-acre parcel from AE-37:MX:AIR (Exclusive Agricultural, Thirty Seven Acre Minimum: Mobile Home Foundation Combining: Airport Combining) to 31.6± acres of Open Space: Airport Combining (O:AIR) and 0.49± acres of Open Space-1: Airport Combining (O-1:AIR) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

LOCATION: The project site is located at 10085, 10079, and 10095 North Airport Road in the community of Columbia, southwest of the intersection of North Airport Road and Chili Gulch Road. Assessor's Parcel Number 032-120-040.

ENVIRONMENTAL EVALUATION

After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15307 because the project entails an action taken by a regulatory agency as authorized by local ordinance to assure the protection of a natural resource where the regulatory process involves procedures for protection of the environment. Zone Change LUNR-25-24 consists of rezoning portions of the site to O:AIR and O-1:AIR to protect biological and cultural resources.

RECOMMENDATION:

Community Development Department Staff recommends approval of LUNR-25-24 based upon the following findings pursuant to Chapter 17.100.110 of the TCOC:

- A. The ordinance amendment is consistent in principle with the general plan, zoning code, and any applicable specific plan.

LUNR-25-24 (Solari RZ)

- B. The proposed amendment would not be detrimental to the public health, safety, or welfare of the community.
- C. The project site is suited to the uses permitted under the proposed zoning district.
- D. The anticipated land uses on the subject site would be compatible with the existing and surrounding uses.
- E. The project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15307 of the *State CEQA Guidelines*.

TUOLUMNE COUNTY PLANNING COMMISSION / BACKGROUND

LUNR-25-24 was considered by the Tuolumne County Planning Commission on January 21, 2026. Questions were raised regarding agricultural use within Open Space. Staff clarified that the Initial Study for the associated land division addressed historic livestock grazing uses and road maintenance on the site that could continue within the Open Space districts.

The Commission asked about vegetation clearing and management for fire hazard within Open Space, especially along the western boundary of the project. Staff indicated that vegetation removal for fire fuels is allowed per TCOC Chapter 17.10. Per Table 17.10.1:

“Nonriparian vegetation removal in accordance with Section 4290 of the California Public Resource Code” is a permitted use in both the Open Space (O) and Open Space-1 (O-1) zoning districts.

“Riparian vegetation removal in accordance with Section 4290 of the California Public Resources Code, subject to the approval of the Director” is a permitted use in Open Space and a conditional use in Open Space-1.

Note: “Riparian vegetation” includes plant communities growing along the banks of rivers, streams and lakes that rely on wet (hydric) soils and conditions.

The Commission asked why Open Space was placed along the western boundary of the project site. Staff clarified that the Initial Study for the land division indicated that it was for habitat protection, wildlife corridor movement, and represents the largest undisturbed area of the site. See additional information under “Findings”.

The Commission asked if they could change Open Space requirements. Staff responded that, other than minor changes consistent with the adopted environmental document, the location of Open Space must remain consistent with the adopted initial study. She noted that the proposed Open Space map was circulated with the Initial Study and is part of the adopted environmental document. Failure to implement the required Open Space zoning in accordance with the adopted mitigation would prevent recording a Final Map. Staff explained the process of revising mitigation measures for an adopted environmental document.

Two members of the public spoke. One member had concern with the habitat value of the Open Space along the western portion of the site. One expressed concern with reducing fire fuels in Open Space and asked if the Fire Division was notified. Staff indicated that the Fire Prevention Division was notified of the project and that they did not have any comments. Staff detailed the public notification process, including notifying property owners within 1,000 feet, posting to the Planning Stakeholder webpage, generating email alerts to subscribers, publishing legal notices and posting agendas for the public hearings.

LUNR-25-24 (Solari RZ)

MOTION: Recommend approving Zone Change LUNR-25-24 based on findings A through E.

MOVED: Commissioner Garaventa

SECONDED: Commissioner Kopf

AYES: Vice Chair Morrow, Commissioners Farkas, Cherry, Smithwick, Kopf and Garaventa

ABSENT: Chair Jordan

RESULT: Motion carried to recommend approval 6-0-0 with Chair Jordan absent.

Following the Commissions' approval of Open Space, the applicant requested a minor revision to the Open Space boundaries. The revised Open Space boundaries include the same habitat, cultural resources, and total acreage previously approved by the Commission.

SUGGESTED ACTION:

Approve Zone Change LUNR-25-24 based on Findings A through E.

ATTACHMENTS:

Attachment 1: Agenda Map

Attachment 2: Vicinity Map

Attachment 3: Proposed Amended Open Space Map

Attachment 4: Habitat/Vegetation Map

Attachment 5: Aerial View of Parcel

Attachment 6: Comparison Open Space Map Approved by Planning Commission January 2026 and Amended Open Space

Attachment 7: Public Comments

LUNR-25-24 (Solari RZ)

PROJECT DESCRIPTION:

LUNR-25-24: Ordinance rezoning 32.13± acres of a 160.33-acre parcel from AE-37:MX:AIR (Exclusive Agricultural, Thirty Seven Acre Minimum: Mobile Home Foundation Combining: Airport Combining) to 31.6± acres of Open Space:Airport Combining (O:AIR) and 0.49± acres of Open Space-1:Airport Combining (O-1:AIR) under Title 17 of the Tuolumne County Ordinance Code (TCOC).

The rezoning is required to protect biological and cultural resources prior to recording Tentative Parcel Map T20-006 (T-20-006) approved by the County Surveyor December 2, 2021. T-20-006 divides the 160-acre site into 4 parcels. Environmental impacts and conditions of approval associated with the land division were addressed in the Initial Study/Mitigated Negative Declaration adopted for T-20-006. LUNR-25-24 focuses solely on the rezoning to Open Space (O) and Open Space-1(O-1) in accordance with the adopted environmental document.

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 Zoning Ordinance. Below are the required findings and information to support Staff's recommendation to approve the proposed project.

A. The ordinance amendment is consistent in principle with the general plan, zoning code, and applicable specific plan.

1. LUNR-25-24 will rezone portions of a 160.33± acre site to O:AIR and O-1:AIR for mitigation to protect biological and cultural resources required per the initial study/mitigated negative declaration approved by the County Surveyor December 2, 2021, for Tentative Parcel Map T20-006.
2. General Plan/Zoning Consistency. The project site carries the General Agricultural (AG) General Plan land use designation. Per Table 1.3 of the Tuolumne County General Plan Technical Background Report (2018), the AE-37:MX:AIR, O:AIR, and O-1:AIR zoning districts are compatible with the AG General Plan land use designation. Therefore, rezoning to Open Space (O) and Open Space-1 (O-1) is consistent with the AG general plan land use designation.
3. Preserving Agricultural Uses. The AG general plan land use designation is intended 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. As previously discussed, analysis by the Initial Study/Mitigated Negative Declaration for T-20-006 establishes that the O and O-1 zoning district will allow for maintenance of existing roads and livestock grazing within Open Space zones (i.e., continued agricultural uses). Therefore, the proposed rezoning is consistent with the site's AG general plan land use designation (See also Paragraph 4).
4. Preserving Agricultural Uses. The project site is zoned AE-37:MX:AIR under Title 17 of the TCOC with a proposed rezoning to O:AIR and O-1:AIR. Per the General Plan Technical Background Report (2018), Open Space:

"provides for the protection of important natural and cultural resources, serves as a buffer between incompatible land uses and limits development in hazardous areas. This designation can be used throughout the County to preserve scenic resources, archaeological resources, unique topography, vegetation, habitat, stream corridors, prominent ridge tops and watersheds and to limit development in floodplains, unstable

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slopes and fault zones. General Uses - Typical land uses allowed in the Open Space designation are limited to low intensity agricultural uses, recreational uses without structures, public utility and safety facilities and accessory uses."

The proposed rezoning is required to protect identified biological resources and cultural resources and is, therefore, consistent with general plan. Agricultural uses without structures also will continue on site within Open Space consistent with Open Space per the general plan.

In addition, one area proposed for Open Space-1 contains a historic spring box system and structure. This use would be permitted to continue, and any maintenance or upkeep would be permitted. These activities have historically occurred within these areas on site and would not introduce new significant impact on these features—consistent with both preserving agricultural uses and cultural resources.

5. Biological Resources. General Plan Policy 16.B.6 states:

"Allow property owners to utilize the Tuolumne County Wildlife Handbook, which may be updated periodically, to assist in designing mitigation for impacts to biological resources resulting from new development"

As an alternative to hiring a consultant to prepare a biological resources study; the applicant opted to use the Tuolumne County Wildlife Handbook guidelines. Per the guidelines, all second priority habitats (i.e., wetlands, creeks, lakes, ponds) are protected in Open in accordance with state and federal regulations. Third priority habitats (e.g., chamise chaparral, blue-oak/bull pine) up to a total Open Space acreage of 20% of the site also may be zoned into Open Space (O) to address potential cumulative impacts to species and habitats pursuant to the California Environmental Quality Act (CEQA).

The areas proposed for Open Space-1 zoning contain drainages/riparian habitats and a lake/pond and are considered "Second Priority Habitats". Avoidance of these areas allows compliance with state and federal regulations requiring protection/avoidance of wetlands. Agricultural uses including grazing and road maintenance (currently existing) will be allowed to continue. 100% of these habitats are included in Ozoning.

The western portion of the site includes chamise chaparral habitat (chc), a third priority common habitat pursuant to the Tuolumne County Wildlife Handbook referenced in the General Plan. The habitat is adjacent to existing U.S. Bureau of Land Management parcels extending from the subject property to New Melones Reservoir. The proposed western Open Space also adjoins a wet meadow and pond to the southwest and encompasses a portion of Deadman's Gulch extending to Melones. Therefore, the proposed western Open Space provides access to a wet meadow/water to the southwest, includes a portion of a wildlife corridor (Deadman's gulch), and is adjacent to extensive existing open space on public land providing a continuous open space expanse from the project to New Melones. As noted in paragraph 4, fuel management to reduce fire hazard is permitted in this proposed Open Space.

The applicant selected that portion of the site containing chamise chaparral habitat as the Third Priority habitat to be preserved to offset potential cumulative impacts to species and habitats. The proposed Open Space zones are, therefore, in compliance with the general plan and the environmental document prepared and approved for the proposed project.

6. :AIR Combining District. The project site contains the :AIR Combining zoning and contains

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the -AIR General Plan Overlay. The project site is located within airport Compatibility Zones A, B1, B2, and C associated with the Columbia Airport. The purpose of the :AIR Combining district is to:

- A) Protect public health, safety and welfare by ensuring the orderly expansion of airports and the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around public airports to the extent that these areas are not already devoted to incompatible uses; and
- B) To implement the policies of the Tuolumne County airport land use compatibility plan, as may be amended from time to time; and
- C) To inform property owners and prospective purchasers of property within areas around airports of the proximity of the airport and aircraft use associated with the airport and that land development must comply with the Tuolumne County airport land use compatibility plan in addition to development regulations contained in the Tuolumne County General Plan and this code.

The rezoning of portions of the site to O:AIR and O-1:AIR would be consistent with the :AIR Combining district and -AIR General Plan Overlay given the site's location in close proximity to the Columbia airport.

- 7. Tuolumne County Airport Land Use Compatibility Plan: LUNR-25-24 was reviewed in accordance with TCOC Chapters 18.24 and 18.28 and the Tuolumne County Airport Land Use Compatibility Plan. T-20-006 was considered by the Tuolumne County Airport Land Use Commission (ALUC) on June 4, 2020. The ALUC recommended approval with conditions. Note: LUNR-25-24 does not propose new structures, noise, reflective surfaces or large concentrations of waterfowl (e.g., the pond is pre-existing), therefore LUNR-25-24 did not require ALUC referral; however, any new structures resulting from T-20-006 will require ALUC review.

B. The proposed amendment would not be detrimental to the public health, safety, or welfare of the community.

- 8. The Zone Change would protect biological and cultural resources on the site with Open Space and Open Space-1 zoning. The Zone Change would further restrict these areas of the site from inconsistent development. The majority of the Open Space proposed along the project's western boundary has steep slopes unsuitable for development.
- 9. Consistency with Fire Hazard/Fuel Load Modifications. As noted previously, concerns associated with Open Space zoning districts are often raised relative to the ability to all for vegetation removal for fire fuels.

The General plan includes multiple goals and policies addressing vegetation removal of fire fuels in Open Space as follows:

General Plan Policy 16.B.8 directs the County to: *Balance the conservation of biological resources with the need to reduce wildland fire hazards.*

General Plan Implementation Program 16.B.p Encourages "vegetation removal for fire protection purposes or as otherwise required by the Tuolumne County Fire Department in the Open Space zoning district or other areas conserved through zoning, provided such vegetation removal is addressed in a management plan and approved following review under the California Environmental Quality Act."

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General Plan Policy 17.E.11: Encourage resolution of conflicts between wildland fire protection and habitat conservation for wildlife.

General Plan Implementation Program 17.D.y - Coordinate with CAL FIRE, the Tuolumne County Fire Department and the California Department of Fish and Wildlife to identify acceptable levels of wildland fuel reduction in areas conserved for biological resources to mitigate impacts of development.

In addition to incorporating the preceding evaluations in environmental documents, these general plan goals and programs are codified. Vegetation removal for fire fuel reduction is allowed per TCOC Chapter 17.10. Per Table 17.10.1:

“Nonriparian vegetation removal in accordance with Section 4290 of the California Public Resource Code” is a permitted use in both the Open Space (O) and Open Space-1 (O-1) zoning districts.

“Riparian vegetation removal in accordance with Section 4290 of the California Public Resources Code, subject to the approval of the Director” is a permitted use in Open Space and a conditional use in Open Space-1.

Note: “Riparian vegetation” includes plant communities growing along the banks of rivers, streams and lakes that rely on wet (hydric) soils and conditions.

Therefore, fire fuel modification is allowed within both Open Space and Open Space-1 zoning districts per the Tuolumne County General Plan and as specifically allowed per the Tuolumne County Ordinance Code and as evaluated in the initial study/mitigated negative declaration for the project.

10. Stakeholder Input. On November 13, 2025, adjoining property owners within 1000 feet were notified of the project via mail. The project stakeholder notification was posted to the Planning webpage, with automatically notifies anyone who has signed up to receive notice. Advisory Agencies were notified of the project on November 13, 2025. Responses from stakeholders indicated the following areas of concern.

Road/Traffic

LUNR-25-24 entails the rezoning of portions of the site to O:AIR and O-1:AIR to protect biological and cultural resources. Therefore, LUNR-25-24 would not have an impact on roads or traffic. Any impacts relative to road access and traffic were analyzed under Tentative Parcel Map T20-006 and are not within the purview of LUNR-25-24.

Question of Project

Comments received indicated questions of the proposed project and questioned the type of development proposed. Staff clarified that no development is proposed at the project entails the rezoning of portions of the site to O:AIR and O-1:AIR to protect biological and cultural resources.

Biological Habitat

The Central Sierra Environmental Resource Center (CSERC) indicated concern with the quality of the biological habitat proposed to be protected with Open Space zoning, specifically the area of Open Space located on the western portion of the project site. The proposed Zone Change to Open Space and Open Space-1 was analyzed under the Initial Study/Mitigated Negative Declaration for Tentative Parcel Map T20-006. The Initial Study/Mitigated Negative Declaration included a map of the proposed Open Space zoning.

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LUNR-25-24 is consistent with the map that was analyzed and included in the Initial Study/Mitigated Negative Declaration and is consistent with the required mitigation measures and conditions of approval for Tentative Parcel Map T20-006. See also **Paragraph 5**.

Open Space Buffer

CSERC's comment also suggested to include an additional Open Space buffer around the Open Space-1 zoning for better protection of the cultural resources. The proposed Open Space-1 zoning is in accordance with all applicable mitigation measures related to cultural resources, as analyzed by the Initial Study/Mitigated Negative Declaration for Tentative Parcel Map T20-006 and associated cultural resource study.

11. Agency Responses. The California Department of Transportation (Caltrans) and State Water Board responded to the project and did not indicate any conditions or concerns with the project. The Fire Prevention Division, Building and Safety Division, and Public Works Department indicated no conditions or comments in the OpenGov permitting system. The Survey Division noted the associated Tentative Parcel T20-006 that was approved on December 2, 2021. Copies of the responses received have been attached to this report.

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

12. LUNR-25-24 proposes to rezone 32.13± acres of the Site to O:AIR and 0.49± acres of the site to O-1:AIR to protect biological and cultural resources identified for protection in the initial study/mitigated negative declaration for T-20-006. The purpose of the O district is to protect the public in areas not suitable for development because of flooding or other natural hazards and to provide areas of open space for the protection of wildlife habitat and scenic quality or for the preservation of cultural resources. The purpose of the O-1 district is to preserve and protect areas of valuable wildlife habitat consistent with the wildlife policies of the General Plan or areas with significant cultural resources. The Zone Change is consistent with the O and O-1 zoning district. See also Paragraphs 3 and 4.
13. Biological Resources. The Initial Study/mitigated negative declaration for T-20-006 identified riparian and aquatic habitat and identified sensitive status plant species associated with riparian habitat occurring in the vicinity (e.g., Tuolumne Button Celery). These areas are being protected with Open Space zoning. Third priority habitat preserving a wildlife corridor, access to New Melones Lake, and access to a wet meadow/pond also is proposed for protection in the western portion of the site. All of these areas would be protected with Open Space zoning upon approval of LUNR-25-24. See also Paragraph 5.
14. Cultural Resources. A cultural study was prepared in February 2017 in association with Tentative Parcel Map T20-006. The Study identified 11 resources on the project site. All resources evaluated to be potentially eligible for listing on the state and/or federal register and therefore potentially significant resources were required to be protected with Open Space-1 zoning. LUNR-25-24 would rezone these areas to O-1:AIR and there would therefore be no impact to cultural resources.

D. The anticipated land uses on the subject site would be compatible with the existing and future surrounding uses.

15. :AIR Combining District/Airport. The rezoning to O:AIR and O-1:AIR would not modify the base zoning of the site of AE-37 and would therefore not change the overall development potential of the project site. O and O-1 zoning districts are compatible with all General Plan land use designations. The Open Space and Open Space-1 zoning would further restrict these areas from development of incompatible land uses. As noted in **Paragraphs 6 and 7**,

LUNR-25-24 (Solari RZ)

the site is located in close proximity to the Columbia Airport, therefore, the :AIR combining district is being retained.

16. See also Paragraphs 3, 4 and 9.

E. The proposed project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15307 of the *State CEQA Guidelines*.

17. 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 15307 because the project entails an action taken by a regulatory agency as authorized by local ordinance to assure the protection of a natural resource where the regulatory process involves procedures for protection of the environment. Zone Change LUNR-25-24 consists of rezoning portions of the site to O:AIR and O-1:AIR to protect biological and cultural resources, consistent with Section 15307.

18. 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.

PREPARED BY: Natalie Rizzi, Senior Planner; Revised by Amy Augustine, AICP – contract planner

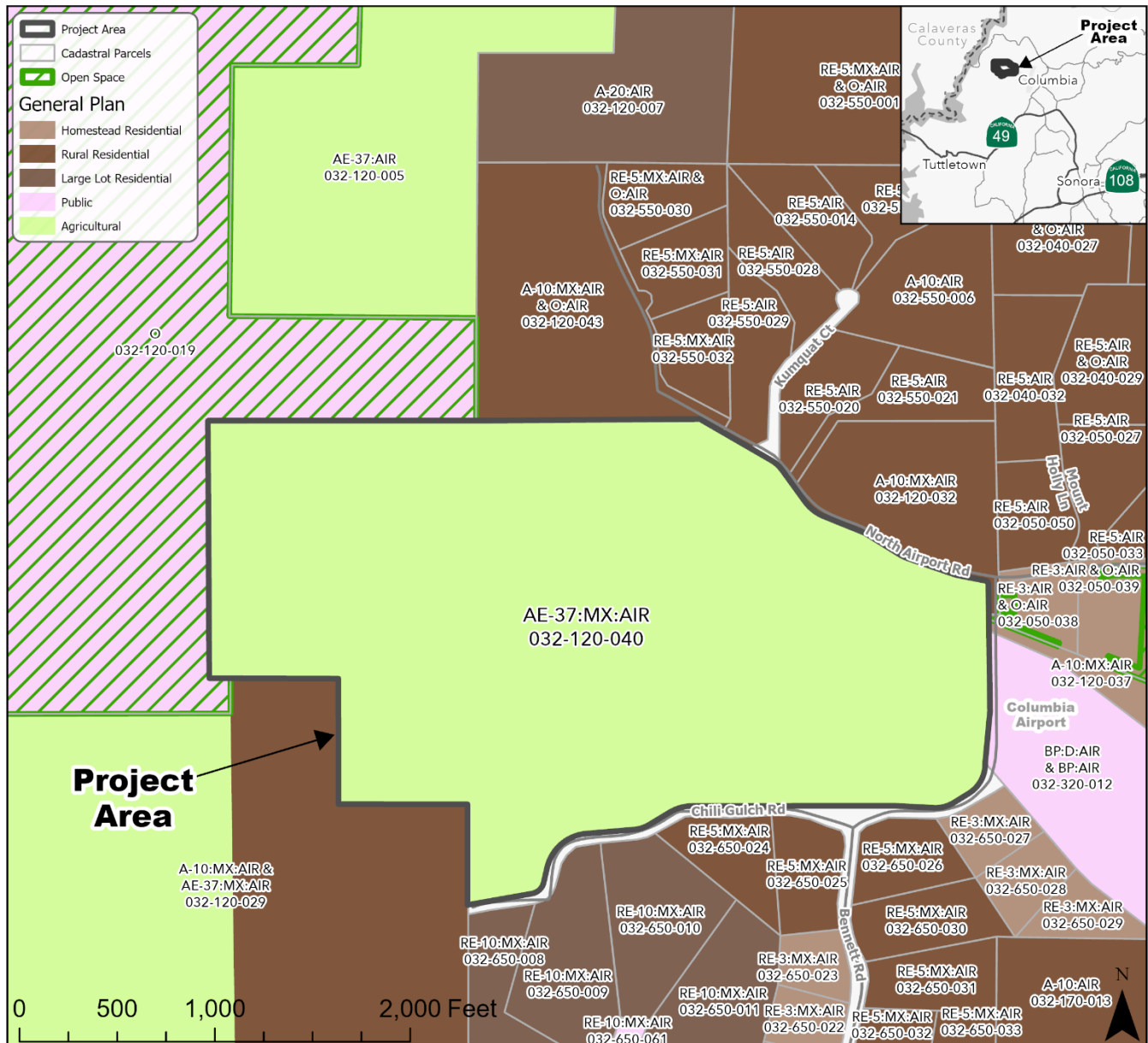
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LUNR-25-24 (Solari RZ)

Attachment 1: Agenda Map

LUNR-25-24 (Solari RZ)

LUNR 25-24



Project: LUNR 25-24

Owner: William S. Solari, II et al Trustee

Applicant: Tim Haney

APN: 032-120-040

Acres: 160 ± acres

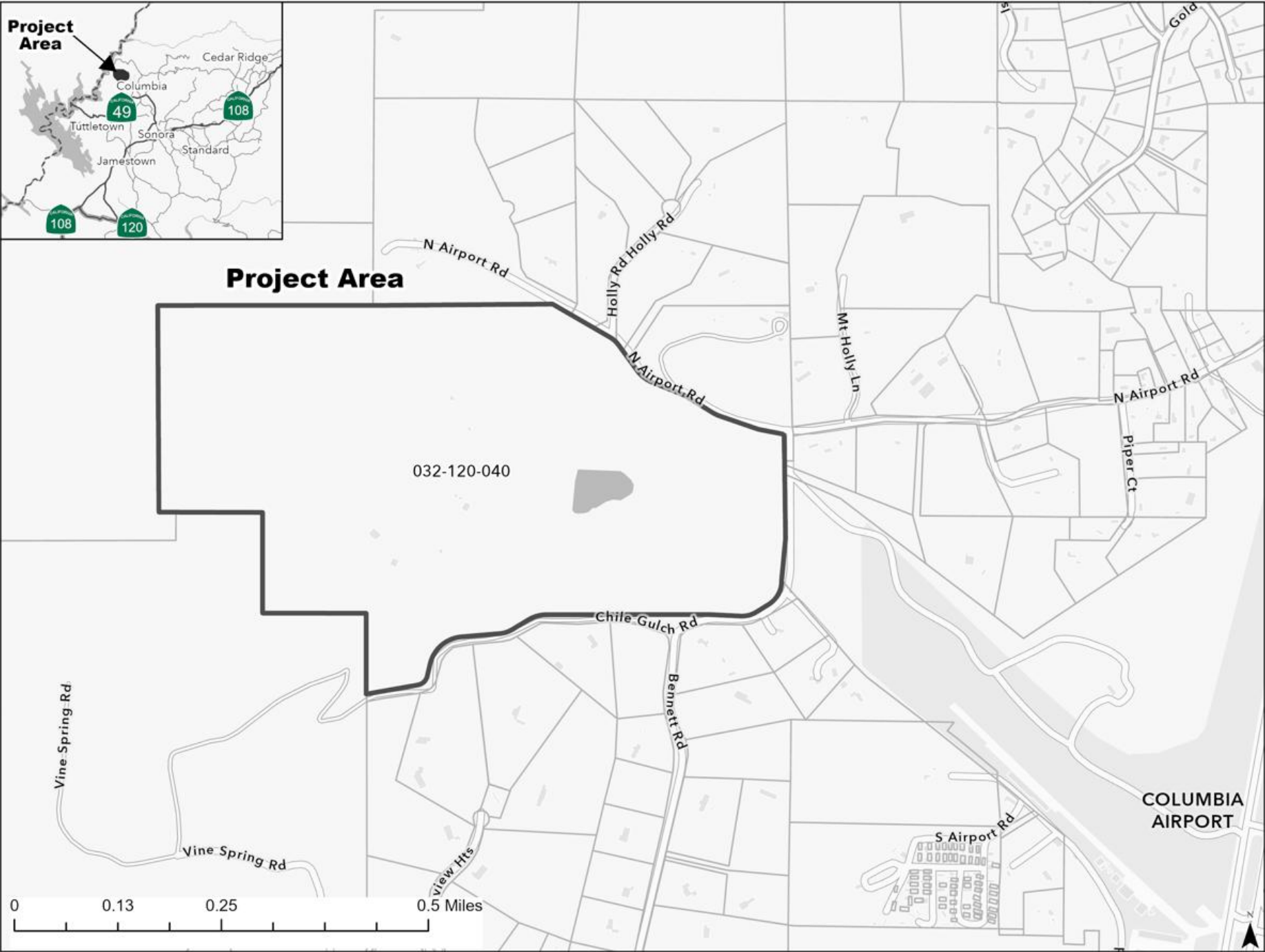
Current Zoning: AE-37:MX:AIR

Current General Plan Designation: AG

Project Description: Ordinance for Zone Change. LUNR-25-24 to rezone 32.13± acres of a 160-acre parcel from AE-37:MX:AIR (Exclusive Agricultural, Thirty Seven Acre Minimum:Mobile Home Foundation Combining:Airport Combining) to O:AIR (Open Space:Airport Combining) and rezone 0.49± acres of the 160 acre site from AE-37:MX:AIR to O-1:AIR (Open Space-1:Airport Combining) under Title 17 of the Tuolumne County Ordinance Code.

LUNR-25-24 (Solari RZ)

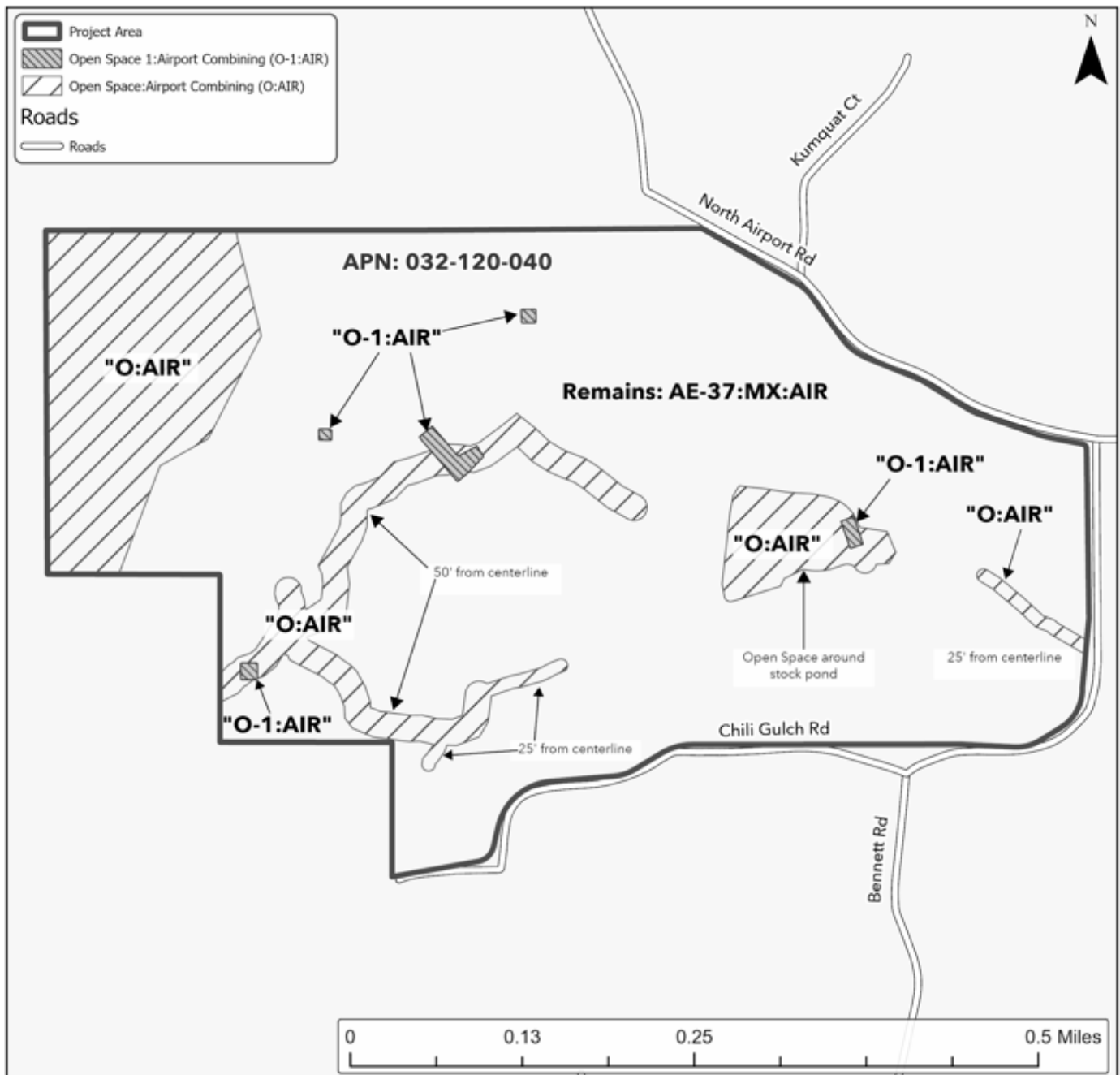
Attachment 2: Vicinity Map



LUNR-25-24 (Solari RZ)

Attachment 3 – Proposed Open Space

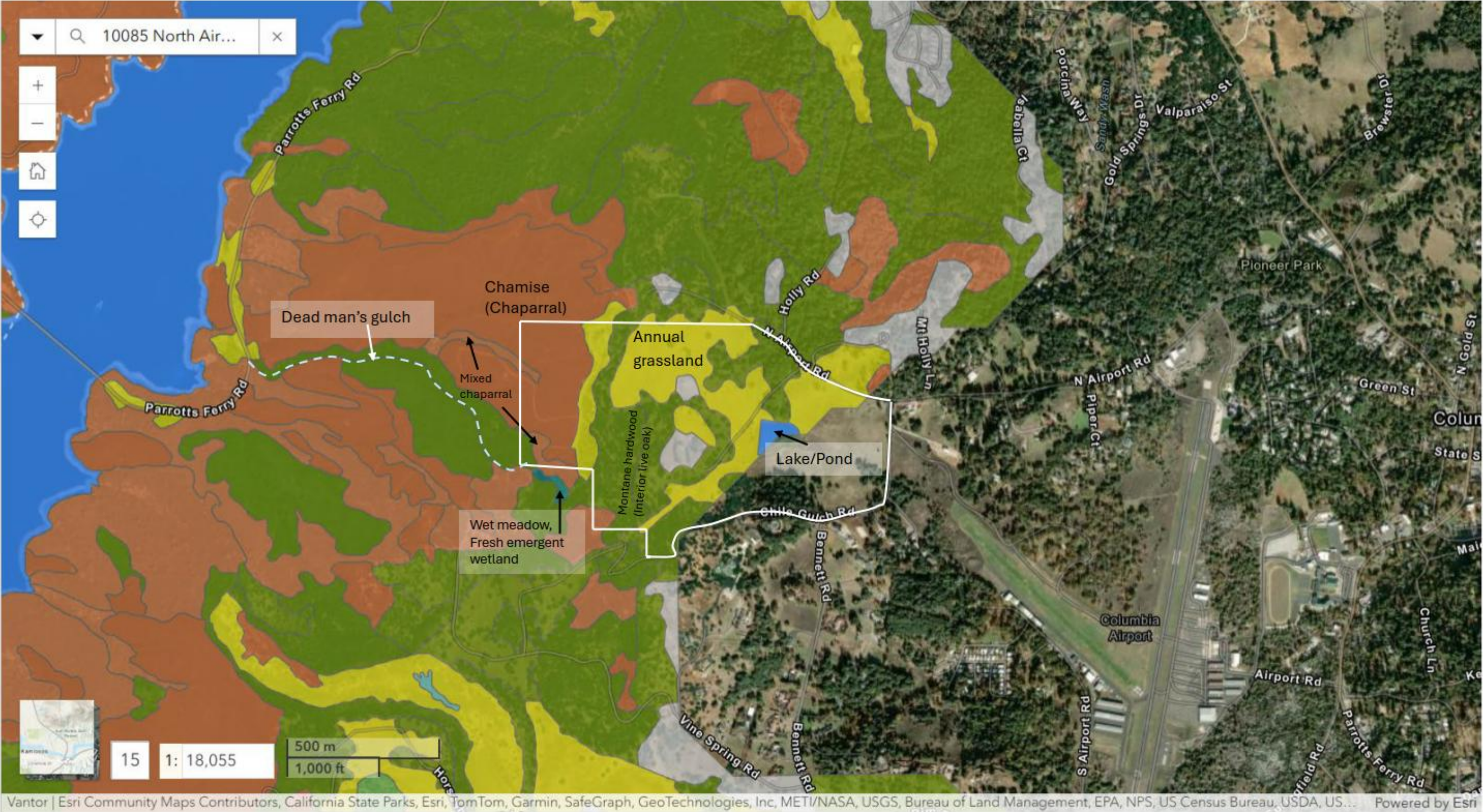
LUNR-25-24 (Solari RZ)



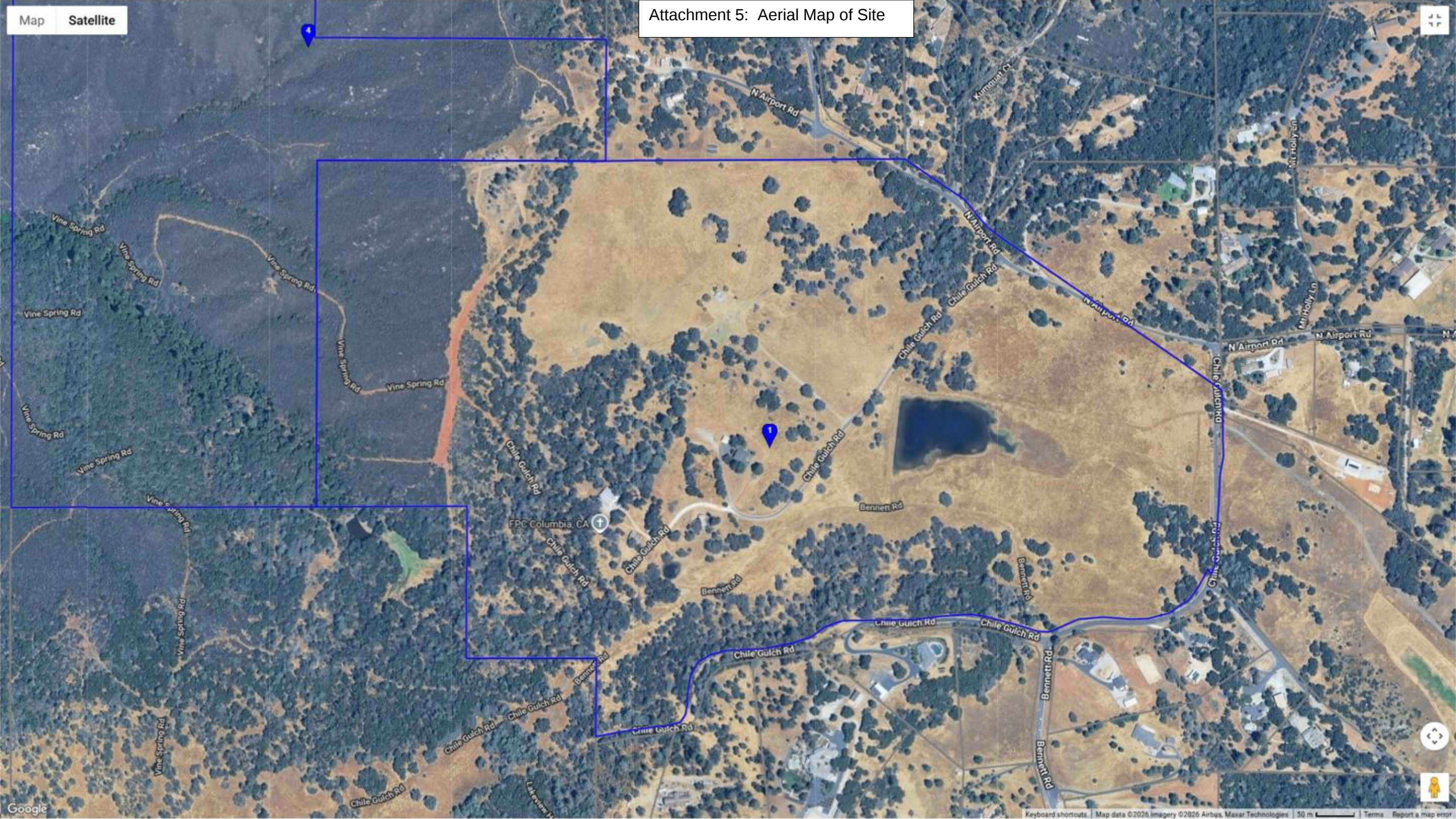
APN: 032-120-040

Parcel 2 of Bennet Ranch Subdivision, as shown on the map recorded in the office of the County Recorder or Tuolumne County, California on October 16, 1986 in Volume 10 of Subdivisions page 75.

Attachment 4 – Vegetation Map

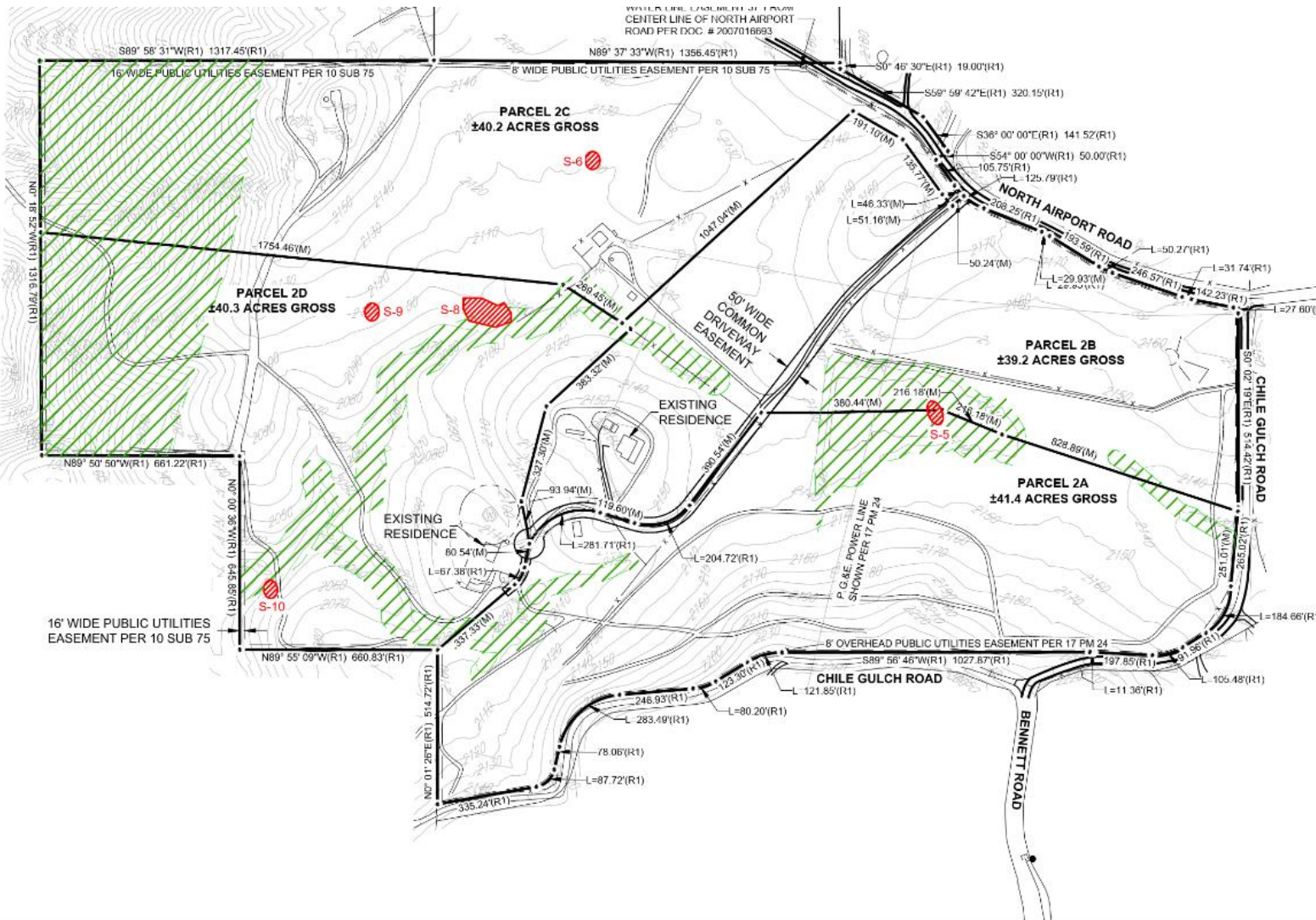


Attachment 5: Aerial Map of Site

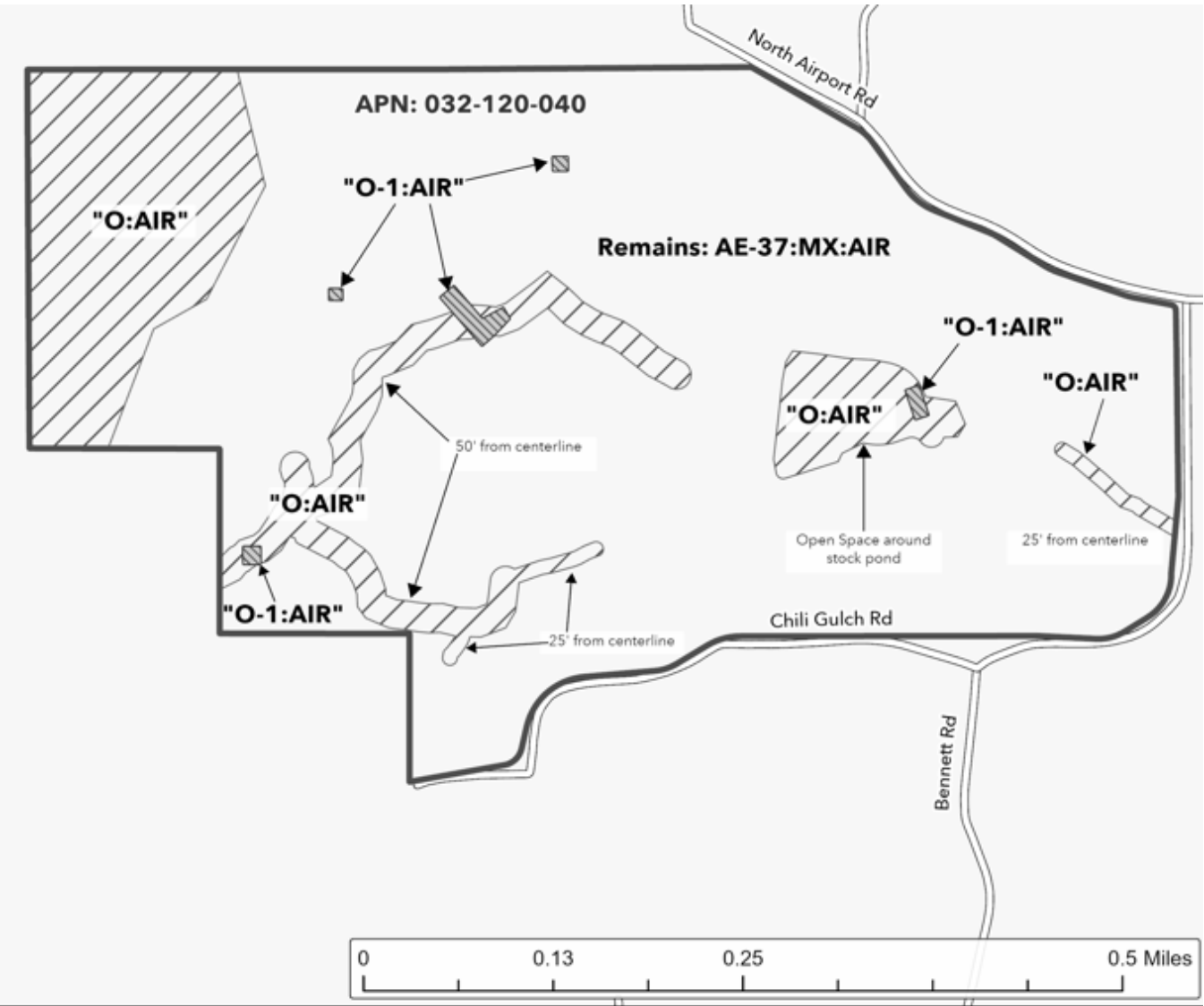


Attachment 6 – COMPARISON Open Space Map Approved by Planning Commission January 2026 and Amended Open Space

PC Approved January 2026



Proposed Open Space (Amended)



LUNR-25-24 (Solari RZ)

Attachment 7: Public Comments



Central Sierra Environmental Resource Center
Box 396, Twain Harte, CA 95383 • (209) 586-7440 • fax (209) 586-4986

Visit our website at: www.cserc.org or contact us at: johnb@cserc.org

VIA EMAIL ONLY

November 26, 2025

Community Development Department
Attn: Natalie Rizzi
2 S. Green Street
Sonora, CA 95370

**CSERC'S COMMENTS ON THE WILLIAM SOLARI, III
LUNR-25-24 REQUEST**

The applicant is seeking to split a 160-acre parcel ("Site") currently zoned AE-37:MX:AIR into four separate parcels. In order to do this, the Advisory Notice states "**[t]he Zone Change to Open Space and Open Space-1 is required as mitigation to protect biological and cultural resources. . . The Open Space and Open Space-1 zoning is required prior to approval of the Final Map.**" As such, meaningful protection of biological and cultural resources is needed before the Final Map can be approved.

The applicant is proposing to rezone approximately 32 acres to Open Space and a half an acre to Open Space-1 of the 160-acre Site. While at first glance the **amount** of land proposed to be rezoned to Open Space seems to be reasonable, upon deeper review the biological value of a significant portion of the land proposed to be rezoned to Open Space becomes questionable. Specifically, the large block of Open Space proposed in Parcels 2C and 2D (on the far westside of the Site), consists of chaparral scrubland with very steep slopes. The area consists of habitat that is of limited ecological value. Moreover, due to the area's steep slopes and remote location, that area is likely not developable regardless of what it is zoned. As such, rezoning that area to Open Space is of limited biological value and of no real or meaningful consequence. The Advisory Notice does not disclose the acreage of this area of proposed Open Space zoning, but it appears to be approximately 17 acres in size.

Given that this area of marginal biological value is equal to approximately *half* of the proposed amount of Open Space, consideration should be given to instead identifying and designating other areas where Open Space protections would be more meaningful. Greater protections for the Site's numerous riparian areas including drainages and ephemeral ponds and streams as well as the oak studded hillsides should all be considered. In

addition, creating buffers of Open Space around the designated Open Space-1 areas is another aspect that could be considered in order to further protect the highly important resource(s) within the Open Space-1 areas.

Thank you for your consideration of these comments. Should you have any questions, please feel free to contact me.

Chelsea Lewandowski

Chelsea Lewandowski
Conservation Coordinator

Natalie Rizzi

From: Francesca Simons <jobesimons@gmail.com>
Sent: Saturday, November 22, 2025 5:05 AM
To: Natalie Rizzi
Subject: LUNR-25-24

Follow Up Flag: Follow up
Flag Status: Flagged

We fully support the Solari zone changes.

Charles and Francesca Simons
22982 Mt Holly Ln, Columbia, CA 95310

Natalie Rizzi

From: Janine White <janinewhite.209@gmail.com>
Sent: Tuesday, December 2, 2025 5:38 PM
To: Natalie Rizzi
Subject: Re: LUNR-25-24

Thank you for the additional information.
Sent from my iPhone

> On Dec 2, 2025, at 1:36 PM, Natalie Rizzi <NRizzi@co.tuolumne.ca.us> wrote:

>

> Good afternoon,

>

> Attached is the full stakeholder notification with a link to the same document below.

> <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.tuolumnecounty.ca.gov%2FDocumentCenter%2FView%2F30247%2FStakeholder-Notification-LUNR-25-24&data=05%7C02%7CNRizzi%40co.tuolumne.ca.us%7C0c1b2f3055864d95df0c08de320c9754%7C37e2bf7f4bc440859e0aaeab83f13a1e%7C1%7C0%7C639003226845275722%7CUnknown%7CTWFPbGZsb3d8eyJFbXB0eU1hcGkiOnRydWU%7C0%7C%7C%7C&sdata=XCYP0h1%2F5AtcoexFqU2bFbOEMK6XKsnXFj914SzYzO8%3D&re>

> served=0

>

> As indicated in the project description, LUNR-25-24 entails the rezoning of portions of the site to Open Space and Open Space-1 to protect biological and cultural resources. Below is a link to Chapter 17.10 which includes the O and O-1 zoning. Very limited uses are allowable in O and O-1 zoning.

>

> <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.tuolumnecounty.ca.gov%2FDocumentCenter%2FView%2F422%2FChapter-1710---Agriculture-and-Open-Space-Zoning-Districts%3FbidId%3D&data=05%7C02%7CNRizzi%40co.tuolumne.ca.us%7C0c1b2f3055864d95df0c08de320c9754%7C37e2bf7f4bc440859e0aaeab83f13a1e%7C1%7C0%7C639003226845298250%7CUnknown%7CTWFPbGZsb3d8eyJFbXB0eU1hcGkiOnRydWU%7C0%7C%7C%7C&sdata=3%2F5f2Ba0xIDhcOAG2qfcffVyrIkijuYwQDb7OgTIU2w%3D&reserved=0>

>

> There is no construction associated with LUNR-25-24.

>

> Natalie Rizzi

> Supervising Senior Planner

> Community Development Department

> Tuolumne County

> Office: (209) 533-5936

> Fax: (209) 533-5616

> Email: nrizzi@co.tuolumne.ca.us

> Planning Website:

> <https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.tuolumnecounty.ca.gov%2F179%2FPlanning&data=05%7C02%7CNRizzi%40co.tuolumne.ca.us%7C0c1b2f3055864d95df0c08de320c9754%7C37e2bf7f4bc440859e0aae>

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> i1jcdutVA%3D&reserved=0 OpenGov Application:
> https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Ftuol
> umnecountyca.portal.opengov.com%2Fcategories%2F1076&data=05%7C02%7CNRi
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> nmBKNeAMqyx4jTZTw2IKL6jQ%3D&reserved=0
>
> **The Community Development Department supports the efforts of the landowners, applicants, and the public by
providing information about to zoning, permits, and the development process. Any direction given by County staff shall
be preliminary and subject to further refinement or change as a proposed project progresses through the formal
application process or on-site conditions change.
>
> -----Original Message-----
> From: Janine White <janinewhite.209@gmail.com>
> Sent: Tuesday, December 2, 2025 12:51 PM
> To: Natalie Rizzi <NRizzi@co.tuolumne.ca.us>
> Subject: LUNR-25-24
>
> Good afternoon an additional question(s) regarding above project. I believe the zoning is changing for future
construction? My question is what are the project plans? How many structures? Traffic impact assessment?
> Thank you in advance,
> Janine White
> 22550 Bennett Rd
> (858)231-0977
> Sent from my iPhone

Natalie Rizzi

From: Natalie Rizzi
Sent: Tuesday, December 2, 2025 2:29 PM
To: 'John White'
Subject: RE: LUNR-25-24 Tuolumne Coun

Good afternoon,

Thank you for your response.

I would like to clarify that the proposed rezone LUNR-25-24 is to rezone portions of the site to Open Space and Open Space-1 to protect biological and cultural resources. Below is a link to the Stakeholder Notification which provides project information.

<https://www.tuolumnecounty.ca.gov/DocumentCenter/View/30247/Stakeholder-Notification-LUNR-25-24>

As indicated in Chapter 17.10 below, very limited uses are allowable in Open Space or Open Space-1 with actual buildings or structures not allowed.

<https://www.tuolumnecounty.ca.gov/DocumentCenter/View/422/Chapter-1710---Agriculture-and-Open-Space-Zoning-Districts?bidId=>

Please do not hesitate to contact me with any questions.

Natalie Rizzi
Supervising Senior Planner
Community Development Department
Tuolumne County
Office: (209) 533-5936
Fax: (209) 533-5616
Email: nrizzi@co.tuolumne.ca.us
Planning Website: <https://www.tuolumnecounty.ca.gov/179/Planning>
OpenGov Application: <https://tuolumnecountyca.portal.opengov.com/categories/1076>

****The Community Development Department supports the efforts of the landowners, applicants, and the public by providing information about to zoning, permits, and the development process. Any direction given by County staff shall be preliminary and subject to further refinement or change as a proposed project progresses through the formal application process or on-site conditions change.**

-----Original Message-----

From: John White <johnwhitecpa@gmail.com>
Sent: Tuesday, December 2, 2025 1:35 PM
To: Natalie Rizzi <NRizzi@co.tuolumne.ca.us>
Subject: LUNR-25-24 Tuolumne Coun

My neighbor provided me with Lunr 25-24 to which we strongly object. Access to this property is extremely limited. N airport road is in very poor condition with most residents choosing to exit on Bennett Road. Bennett is a very residential property road with many inhabitants having little children. Moreover, since the road is mostly flat we have a very high number of bicyclists and walkers at all times using the road. People who use Bennett to drive to their properties not on Bennett road already drive too fast for public safety. Moreover, truckers are now using Bennett road to reach hwy 49 and

108. Bennett road was never designed to accommodate today's traffic much less the additional traffic planned through this proposed zoning change. As such, as a resident and taxpayer, we object to any proposed zoning change.

Sent from my iPad

Love you,
John White
Joshua 1:9

Natalie Rizzi

From: Tello-Jackson, Yolanda@DOT <yolanda.tello-jackson@dot.ca.gov> on behalf of D10 Rural IGR@DOT <d10.rural.igr@dot.ca.gov>
Sent: Wednesday, November 19, 2025 2:24 PM
To: Natalie Rizzi
Cc: Ponce, Gregoria@DOT; Taryn Vanderpan
Subject: RE: Stakeholder Notification - Tuolumne County
Attachments: Stakeholder Notification LUNR-25-24.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon, Natalie

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the proposed Zone Change LUNR 25-24 to rezone 32.13± acres of a 160-acre parcel from Exclusive Agricultural, Thirty Seven Acre Minimum: Mobile Home Foundation Combining: Airport Combining (AE-37:MX:AIR) to Open Space:Airport Combining (O:AIR) and a 0.49± acre portion of the 160 acre site from AE-37:MX:AIR to Open Space-1:Airport Combining (O-1:AIR). This Zone Change is required as mitigation to protect biological and cultural resources. The mitigation is associated with Tentative Parcel Map T20-006 was approved by the Tuolumne County Surveyor on December 2, 2021.

The project site is located at 10085, 10079, and 10095 North Airport Road in the community of Columbia, southwest of the intersection of North Airport Road and Chili Gulch Road on Assessor's Parcel Number 032-120-040.

If any construction related activities will encroach into Caltrans Right of Way (ROW), the project proponent must apply for an Encroachment Permit to the Caltrans District 10 Encroachment Permit Office. All California Environmental Quality Act (CEQA) documentation, with supporting technical studies, must be submitted with the Encroachment Permit Application. These studies will include an analysis of potential impacts to any cultural sites, historic properties, biological resources, hazardous waste locations, scenic highways, and/or other environmental resources within Caltrans ROW, at the project site(s).

Caltrans has no additional comments at this time. However, Caltrans requests to be included in the review process for all future development at this location.

Best Regards,

Yolanda Tello-Jackson
California Department of Transportation - Office of Rural Planning
District Native American Liaison
1976 E. Dr. Martin Luther King Jr. Blvd
Stockton, Ca 95205

(209) 986-9828

Teleworking Hours M-Th-F 7:30-4:30pm

In Office Tuesday & Wednesday 7:30am-4:30pm

From: Taryn Vanderpan <TVanderpan@co.tuolumne.ca.us>

Sent: Thursday, November 13, 2025 10:00 AM

Subject: Stakeholder Notification - Tuolumne County

This Message Is From an External Sender

This message came from outside your organization. Please be careful when viewing message

Report Suspicious

Good Morning,

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

Thank you,

Taryn Vanderpan

Planning Administrative Technician II

Office: (209) 533-5635

Fax: (209) 533-5616

Email: TVanderpan@co.tuolumne.ca.us

Planning Website: <https://www.tuolumnecounty.ca.gov/179/Planning>

Natalie Rizzi

From: Romero-Maraccini, Ofelia@Waterboards <Ofelia.Romero-Maraccini@Waterboards.ca.gov>
Sent: Thursday, November 13, 2025 10:06 AM
To: Natalie Rizzi
Cc: Taryn Vanderpan
Subject: RE: Stakeholder Notification - Tuolumne County - LUNR-25-24

Good morning,

LUNR-25-24 project is to rezone some space. This will not create a new public water system and the DDW will not be involved in this project.

Thank you,



Ofelia Romero-Maraccini, Ph.D., P.E.

Senior Water Resource Control Engineer
Yosemite District - Division of Drinking Water
North Central Section
State Water Resources Control Boards

Email: Ofelia.Romero-Maraccini@Waterboards.ca.gov
Phone: (559) 447-3135
265 W. Bullard Avenue, Suite 101, Fresno CA 93704
Website: www.waterboards.ca.gov

From: Taryn Vanderpan <TVanderpan@co.tuolumne.ca.us>
Sent: Thursday, November 13, 2025 10:00 AM
Subject: Stakeholder Notification - Tuolumne County

Caution: External Email. Use caution when clicking links or opening attachments. When in doubt, contact DIT or use the Phish Alert Button.

Good Morning,

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

Thank you,

Taryn Vanderpan
Planning Administrative Technician II
Office: (209) 533-5635
Fax: (209) 533-5616
Email: TVanderpan@co.tuolumne.ca.us
Planning Website: <https://www.tuolumnecounty.ca.gov/179/Planning>

DATE: June 30, 2026

SURFACE/MINERAL

RIGHTS OWNER: Arlee Monson, Maria French et al.

APPLICANT: Dave Ragland
209-532-7491

PROJECT SITE SIZE: 1.55± Acres

CURRENT ZONING: (R-2:D:MX:AIR)

PROPOSED ZONING: (R-3:D:MX:AIR)

CURRENT GENERAL PLAN: High Density Residential (HDR)

SUPERVISOR DISTRICT: 5 - Brandon

PROJECT AND LOCATION

PROJECT

DESCRIPTION: Rezone (LUNR 26-9) 1.55± acres from Medium Density Residential: Design Review Combining: Mobilehome Foundation Combining: Airport Combining (R-2:D:MX:AIR) District to Multiple Family Residential: Design Review Combining: Mobilehome Foundation Combining: Airport Combining (R-3:D:MX:AIR) District

LOCATION: The project site is at 21901 Parrotts Ferry Road. A portion of Section 23, Township 2 North, Range 14 East, Mount Diablo Baseline and Meridian. Assessor's Parcel Number 033-032-004.

ENVIRONMENTAL EVALUATION

After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the proposed action may have a significant effect on the environment. The proposed project consists of a Zone Change to rezone approximately 1.55± acres from R-2:D:MX:AIR to R-3:D:MX:AIR to facilitate Lot Line Adjustment T-26-5. The Lot Line Adjustment would reconfigure the existing parcel boundaries, so each resulting parcel contains the existing structures associated with that parcel and a consistent zoning designation. No grading, construction, expansion of existing development, or other physical changes to the environment are proposed as part of this application. Any future development of the property would be subject to separate County review and environmental review, as required. None of the exceptions identified in Section 15300.2 of the State CEQA Guidelines apply.

RECOMMENDATION:

Community Development Department Staff recommends approval of LUNR-26-9 based upon the following findings pursuant to Chapter 17.100.110 of the TCOC:

- A. The ordinance amendment is consistent in principle with the general plan, zoning code, and any applicable specific plan.
- B. The proposed amendment would not be detrimental to the public health, safety, or welfare of the community.
- C. The project site is suited to the uses permitted under the proposed zoning district.
- D. The anticipated land uses on the subject site would be compatible with the existing and surrounding uses.
- E. 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*.

ATTACHMENTS:

Attachment 1: Agenda Map

Attachment 2: Ordinance Exhibit Map

Attachment 3: Lot Line Adjustment Exhibit Map

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 Zoning Ordinance. Below are the required findings and information to support Staff's recommendation to approve the proposed project.

A. The ordinance amendment is consistent in principle with the general plan, zoning code, and applicable specific plan.

1. The project consists of a Zone Change to rezone approximately 1.55± acres from R-2:D:MX:AIR to R-3:D:MX:AIR. The proposed Zone Change is to facilitate Lot Line Adjustment T-26-5, which reconfigures the parcel boundaries. Lot Line Adjustment T-26-5 is not part of the Zone Change application and is being processed separately by the Tuolumne County Survey Division. No new development is proposed.
2. The project site has a High Density Residential (HDR) General Plan designation. As identified in Table 1.3 of the Technical Background Report of the 2018 Tuolumne County General Plan, the R-3 zoning district is compatible with the HDR General Plan designation. Therefore, a General Plan Amendment is not required.
3. The project site is currently zoned R-2:D:MX:AIR with a proposed Zone Change to R-3:D:MX:AIR. The purpose of the R-3 zoning district is to provide for multiple-family residential development. The proposed zoning is consistent with the High Density Residential General Plan designation.
4. The project site is developed with existing residential structures. The proposed Zone Change and associated Lot Line Adjustment would reconfigure the parcel boundaries so that each resulting parcel contains the structures associated with it and has a consistent zoning designation. No new development is proposed.

B. The proposed amendment would not be detrimental to the public health, safety, or welfare of the community.

5. The proposed Zone Change would facilitate Lot Line Adjustment (LLA) T-26-5 to reconfigure the existing parcel boundaries. The project would not increase the number of parcels, change the allowable uses of either parcel, or increase the development potential of the property. No new development is proposed.
6. Pursuant to Table 14.10(B) of the Tuolumne County Ordinance Code, a cultural resources study is required when certain indicators are present on a project site. A review of the Tuolumne County databases did not identify any cultural resource indicators as identified in Chapter 14.10 of the TCOC. Therefore, a cultural resources study was not required for the proposed project.
7. On May 26, 2026, adjoining property owners within 300 feet were notified of the proposed project by mail. Advisory agencies were also notified of the proposed project. The Community Development Department did not receive any comments from adjoining property owners. Three advisory agency responses were received.
8. Advisory responses were received from the State Water Resources Control Board, Tuolumne Utilities District (TUD), and the Central Sierra Environmental Resource Center (CSERC). The State Water Resources Control Board indicated the project would not create a public water system and would not require its involvement. CSERC indicated they have no environmental concerns with the proposed project. TUD provided standard utility service requirements and conditions of service. Copies of the responses received have been attached to this report.

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

9. The purpose of the R-3 (Multi-Family Residential) zoning district is to provide areas for multi-family residential development. The project site has a High Density Residential (HDR) General Plan designation and is developed with existing multi-family residential uses. The surrounding area also contains multi-family residential development, including properties zoned R-3, thereby making the proposed zoning designation compatible with the neighborhood's established character. The project site is well suited for the uses permitted within the R-3 zoning district. The proposed Zone Change would establish a zoning designation that is consistent with the General Plan and facilitate Lot Line Adjustment T-26-5. No new development is proposed as part of this application.

D. The anticipated land uses on the subject site would be compatible with the existing and future surrounding uses.

10. The project site is surrounded by residentially zoned properties and existing residential development, including adjacent properties zoned R-3 (Multi-Family Residential). The proposed R-3 zoning designation is compatible with the surrounding residential land uses and the existing development pattern within the neighborhood. Although the R-3 zoning district allows a higher residential building intensity than the existing R-2 zoning district, the property already has a High Density Residential (HDR) General Plan designation that supports the proposed R-3 zoning. The proposed Zone Change simply brings the zoning into consistency with the General Plan. No new development is proposed as part of this application. Any future development would require separate County review and would need to comply with all applicable development standards and environmental review requirements.

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

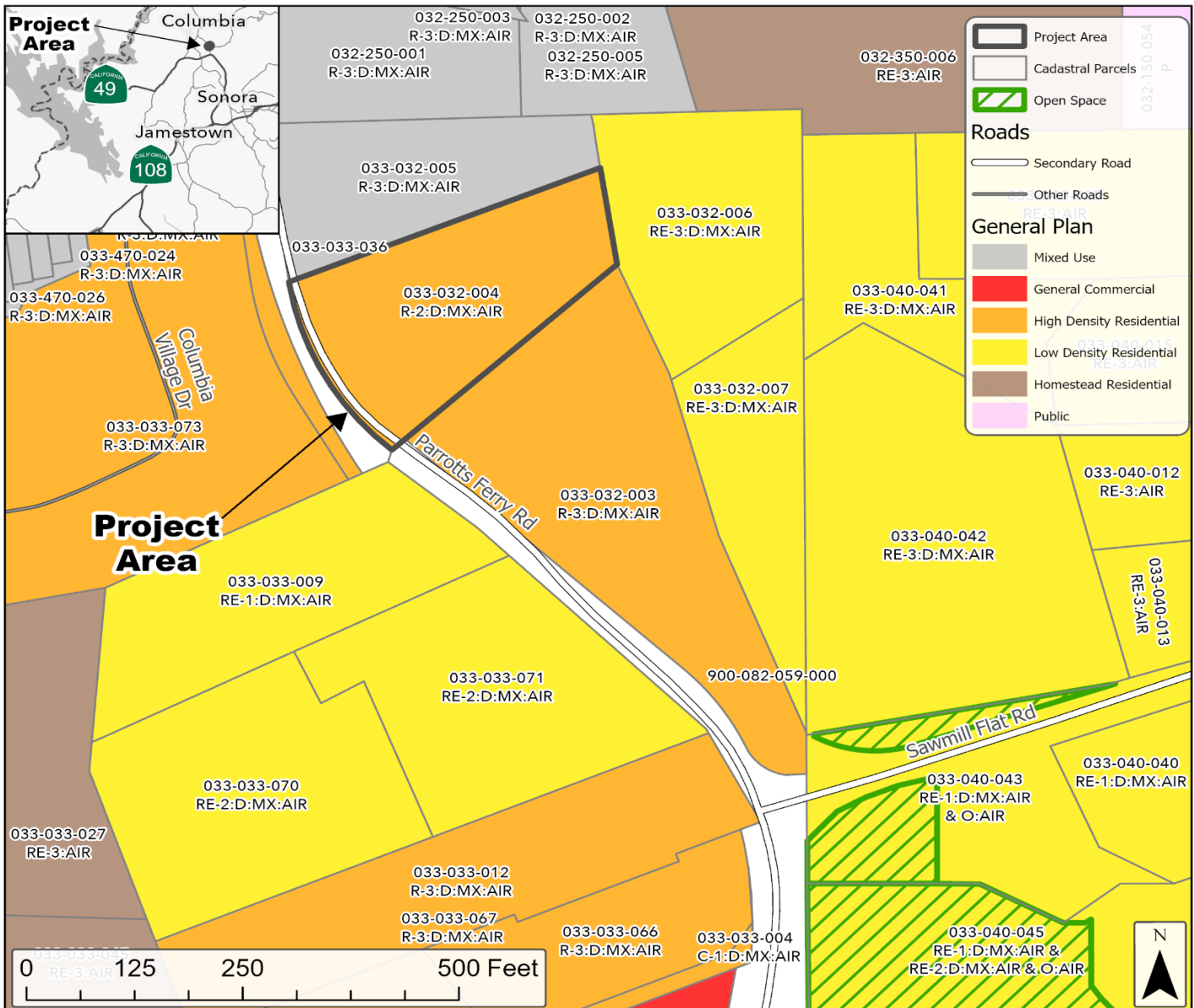
11. The proposed project consists solely of a Zone Change to rezone approximately 1.55± acres from R-2:D:MX:AIR to R-3:D:MX:AIR to bring the zoning designation into consistency with the existing High Density Residential (HDR) General Plan designation and facilitate Lot Line Adjustment T-26-5. The project does not approve any construction, grading, or other physical changes to the environment. Because the proposed action does not result in any physical changes to the environment, it is not likely to have a significant environmental effect. Therefore, the project is exempt from CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines. Any future development of the property would require separate County review and environmental review, as applicable.
12. The CEQA Guidelines contain exceptions that, if present, prevent a project from proceeding with an exemption. These exceptions are identified in Section 15300.2 of the State CEQA Guidelines. None of the exceptions listed in Section 15300.2 apply to the proposed project.

PREPARED BY: Taryn Vanderpan, Planner II

S:\Planning\PROJECTS\LUNR Projects\2026\LUNR-26-9 Rezone Monson Parrotts Ferry\Agenda & Conditions\Agenda Report Monson.docx

Attachment 1: Agenda Map

LUNR 26-9



Project: LUNR 26-9

Owner: Arlee Monson, Maria French et al

Applicant: Dave Ragland

APN: 033-032-004

Acres: 1.55 ± acres

Current Zoning: R-2:D:MX:AIR

Current General Plan Designation: High Density (HD)

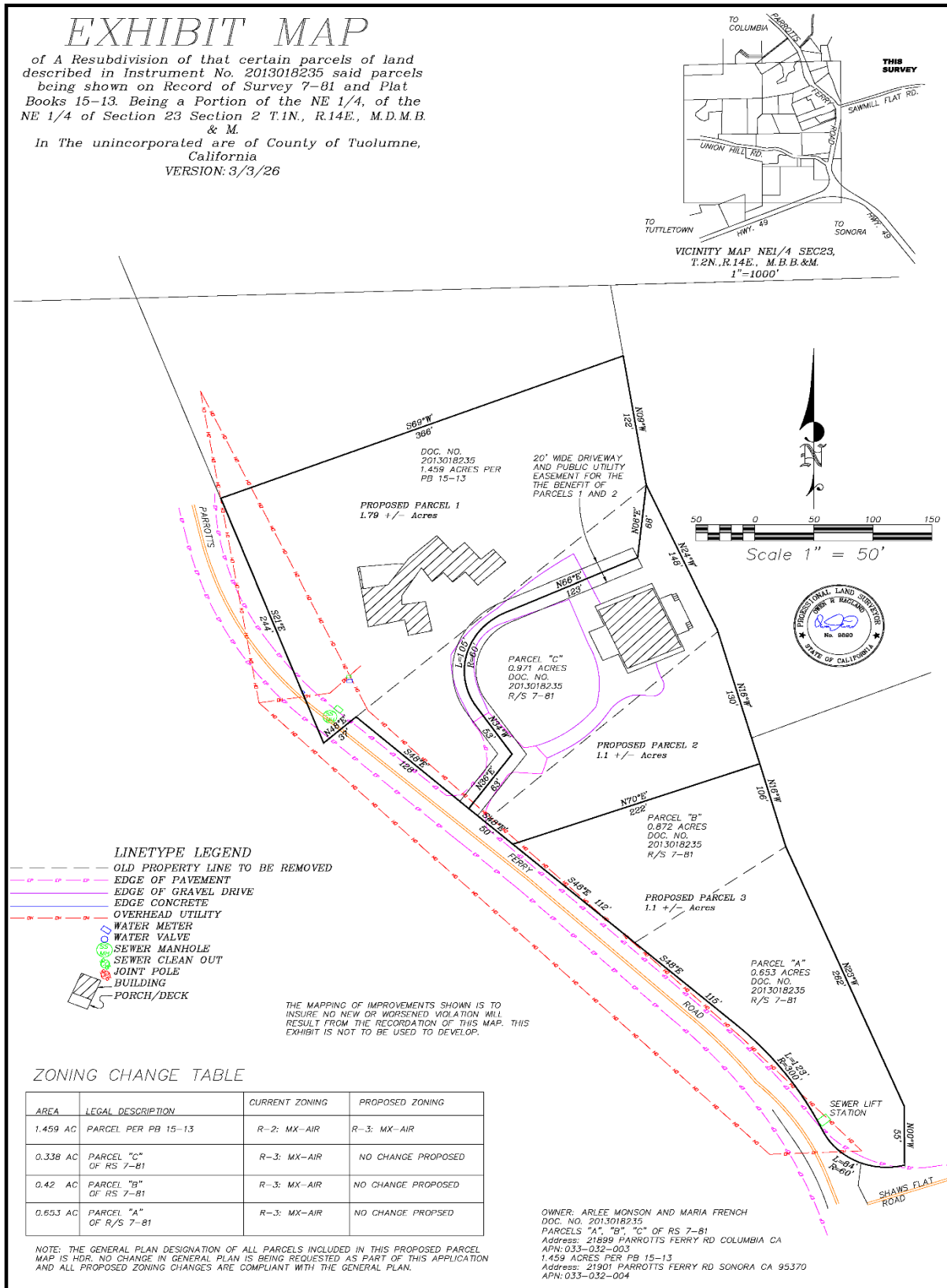
Project Description: Rezone (LUNR 26-9) 1.55± acres from Medium Density Residential: Design Review

Combining: Mobilehome Foundation Combining: Airport Combining (R-2:D:MX:AIR) District to 1.55

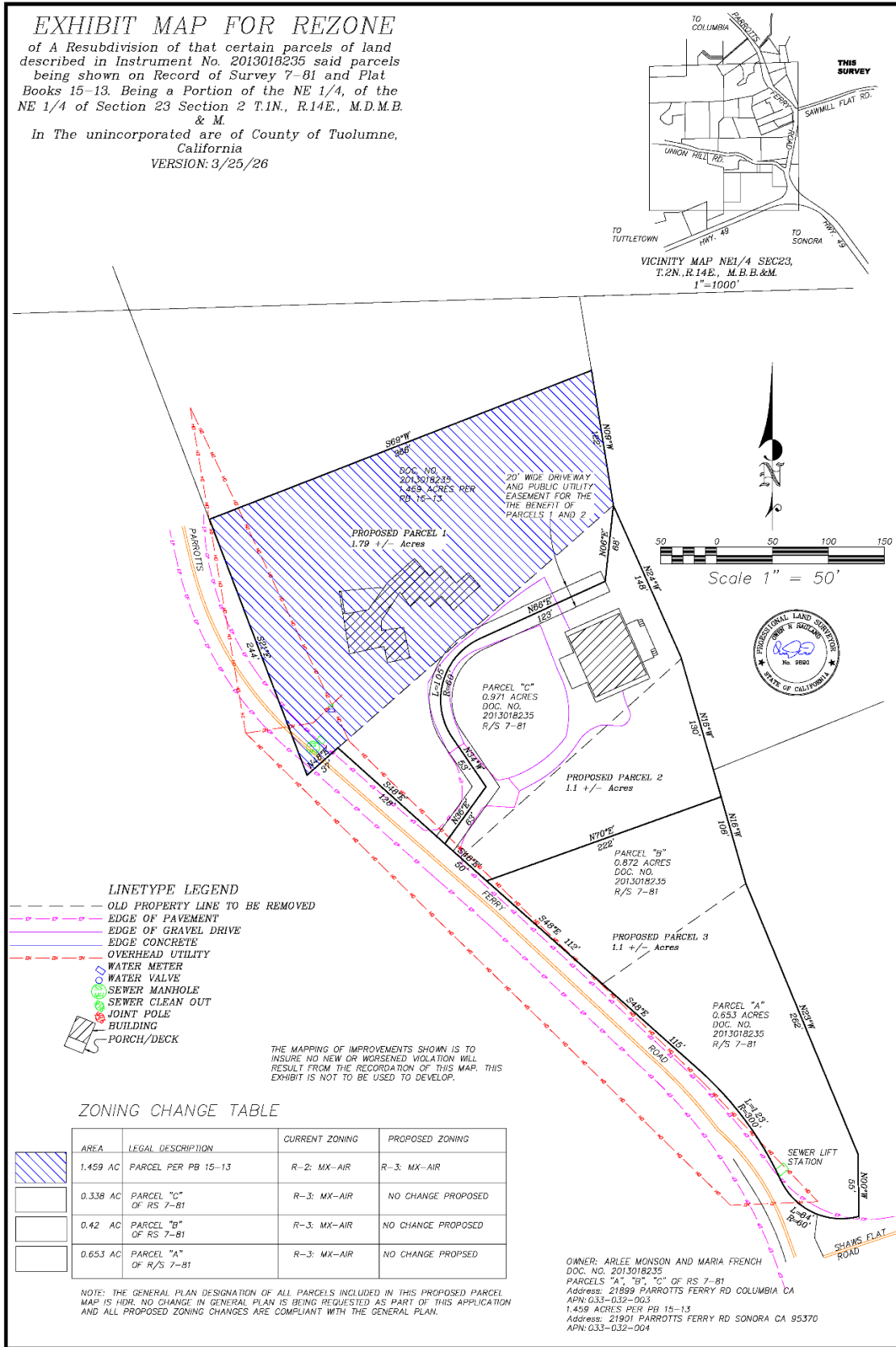
±acres Multiple Family Residential: Design Review Combining: Mobilehome Foundation Combining:

Airport Combining (R-3:D:MX:AIR) District.

Attachment 2: Lot Line Adjustment Exhibit Map



Attachment 3: Zone Change Exhibit Map



DATE: July 6, 2026

SURFACE/MINERAL

RIGHTS OWNER: Clarence and Audrey Bosman Family Trust

APPLICANT: Matt Roberson
408-888-7017

PROJECT SITE SIZE: 582.24± Acres

CURRENT ZONING: AE-37:AP

PROPOSED ZONING: AE-37

CURRENT GENERAL PLAN: Agricultural (AG)

PROPOSED GENERAL PLAN: Agricultural (AG)

SUPERVISOR DISTRICT: 4 - Grier

PROJECT AND LOCATION

PROJECT

DESCRIPTION: LUNR-26-3 for the following:

1. Rescind existing Williamson Act Contract 05WA-63 and execute new Williamson Act Contract 26WA-001 on a 407.98± acre parcel zoned Exclusive Agricultural, 37-Acre Minimum with the Agricultural Preserve Combining District (AE-37:AP): Assessor Parcel Number (APN) 063-260-009, pursuant to Tuolumne County Resolution No. 106-04.
2. Amend Agricultural Preserve 71-5 by removing APN's 071-060-071, 071-060-042, 071-060-043, and 071-060-044, totaling approximately 174.26± acres, while retaining APN 063-260-009 within Agricultural Preserve 71-5.
3. Rezone APNs 071-060-041, 071-060-042, 071-060-043, and 071-060-044 from Exclusive Agricultural, 37-Acre Minimum with the Agricultural Preserve Combining District (AE-37:AP) to Exclusive Agricultural, 37-Acre Minimum (AE-37).

LOCATION: The project site is located at 27077 Cooperstown Road, approximately 2.5 miles north of the intersection of State Route 132 and La Grange Road, along the Tuolumne and Stanislaus County line. The site is located within portions of Section 36, Township 2 South, Range 13 East, and Section 1, Township 3 South, Range 13 East, Mount Diablo Base and Meridian, within Supervisorial District 4. Assessor's Parcel Numbers 063-260-009 (proposed to remain under Williamson Act Contract 26WA-001) and 071-060-041, 071-060-042, 071-060-043, and 071-060-044 (proposed to be removed from Williamson Act Contract 05WA-63).

ENVIRONMENTAL EVALUATION

After reviewing the project and its setting, the Environmental Coordinator for the County of Tuolumne has determined that the project is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the State CEQA Guidelines. Section 15061(b)(3), commonly referred to as the "common sense exemption," applies 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 proposed project consists of a Zone Change to remove the Agricultural Preserve Combining District (:AP) from four parcels, the rescission of Williamson Act Contract 05WA-63, execution of Williamson Act Contract 26WA-001 for the retained parcel, an amendment to Agricultural Preserve 71-5, and approval of an Agricultural Management Plan. The project does not authorize new development, change the underlying General Plan land-use designation or the AE-37 zoning district, expand the existing agricultural operation, or result in any physical changes to the environment. Accordingly, it can be concluded with certainty that the proposed project has no potential to significantly affect the environment and is exempt from CEQA pursuant to Section 15061(b)(3).

RECOMMENDATION:

Community Development Department Staff recommends approval of LUNR-26-3 based upon the following findings pursuant to Chapter 17.100.110 of the TCOC:

- A. The ordinance amendment is consistent in principle with the general plan, zoning code, and any applicable specific plan.
- B. The proposed amendments would not be detrimental to the public health, safety, or welfare of the community.
- C. The project site is suited to the uses permitted under the proposed general plan land use designation and zoning district.
- D. The anticipated land uses on the subject site would be compatible with the existing and surrounding uses.
- E. Amending the 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*.
- F. The proposed project is in accordance with Tuolumne County Resolution No. 106-04.

AGRICULTURAL ADVISORY COMMITTEE:

The Agricultural Advisory Committee considered the proposed Williamson Act Contract, amendment to Agricultural Preserve 71-5, and associated Zone Change and recommended approval of the project.

SUGGESTED ACTION:

Recommend approval of LUNR-26-3 based on Findings A through F.

ATTACHMENTS:

Attachment 1: Agenda Map

Attachment 2: Ag Preserve Map

FINDINGS:

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

A. The general plan and ordinance amendment are consistent in principle with the general plan, zoning code, and applicable specific plan.

1. The project site consists of five parcels totaling approximately 582.24 acres and has an Agricultural (AG) General Plan land use designation. The project does not propose to change the General Plan designation. All five parcels will remain designated Agricultural (AG).
2. The project site is currently zoned Exclusive Agricultural, 37-Acre Minimum with the Agricultural Preserve Combining District (AE-37:AP). The proposed Zone Change would remove the Agricultural Preserve Combining District (:AP) from four parcels that are being removed from the Williamson Act Contract. The underlying Exclusive Agricultural (AE-37) zoning will remain unchanged across all five parcels.
3. The project site is not located within an adopted Community Plan or Specific Plan. Therefore, the proposed project is consistent with the Tuolumne County General Plan and Zoning Ordinance.

B. The proposed amendments would not be detrimental to the public health, safety, or welfare of the community.

4. The proposed project does not authorize new development, modify the existing agricultural operation, or expand the permitted uses of the underlying AE-37 zoning district. The existing agricultural use will continue, and no physical changes to the property are proposed as part of the requested approvals.
5. Based on the above, the proposed amendment would not be detrimental to the public health, safety, or welfare of the community.

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

6. The proposed Zone Change removes the Agricultural Preserve Combining District (:AP) from APNs 071-060-041, 071-060-042, 071-060-043, and 071-060-044. The underlying Exclusive Agricultural, 37-Acre Minimum (AE-37) zoning district will remain unchanged.
7. The proposed Zone Change does not change the minimum parcel size, permitted uses, or development standards of the four parcels. The change is limited to removing the Agricultural Preserve Combining District from parcels that will no longer be subject to a Williamson Act Contract.
8. The proposed Zone Change is consistent with the surrounding agricultural zoning and accurately reflects the proposed Agricultural Preserve and Williamson Act Contract boundaries.

D. The anticipated land uses on the subject site would be compatible with the existing and future surrounding permitted uses.

9. The project site is located in an agricultural area designated Agricultural (AG) by the General Plan and zoned AE-37:AP. Surrounding properties are also designated and zoned for agricultural and rural uses.

10. The proposed project does not introduce new land uses or increase the intensity of the existing agricultural operation. The Zone Change removes the Agricultural Preserve Combining District (:AP) from four parcels while retaining the underlying AE-37 zoning district. Agricultural uses will continue to be permitted on all five parcels.
11. Because the proposed project does not change the underlying agricultural zoning or introduce new land uses, the anticipated land uses on the subject site will remain compatible with the existing and future surrounding uses.

E. Amending the 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.

12. 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. Section 15061(b)(3) applies 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.
13. The proposed project includes rescinding Williamson Act Contract 05WA-63, executing Williamson Act Contract 26WA-001 for the retained parcel, amending Agricultural Preserve 71-5, adopting an Agricultural Management Plan, and removing the Agricultural Preserve Combining District (:AP) from four parcels. The project does not authorize new development, expand the existing agricultural operation, or result in any physical changes to the environment. Therefore, the project has no potential to significantly affect the environment and is exempt from CEQA pursuant to Section 15061(b)(3).

F. The proposed project is in accordance with Tuolumne County Resolution No. 106-04.

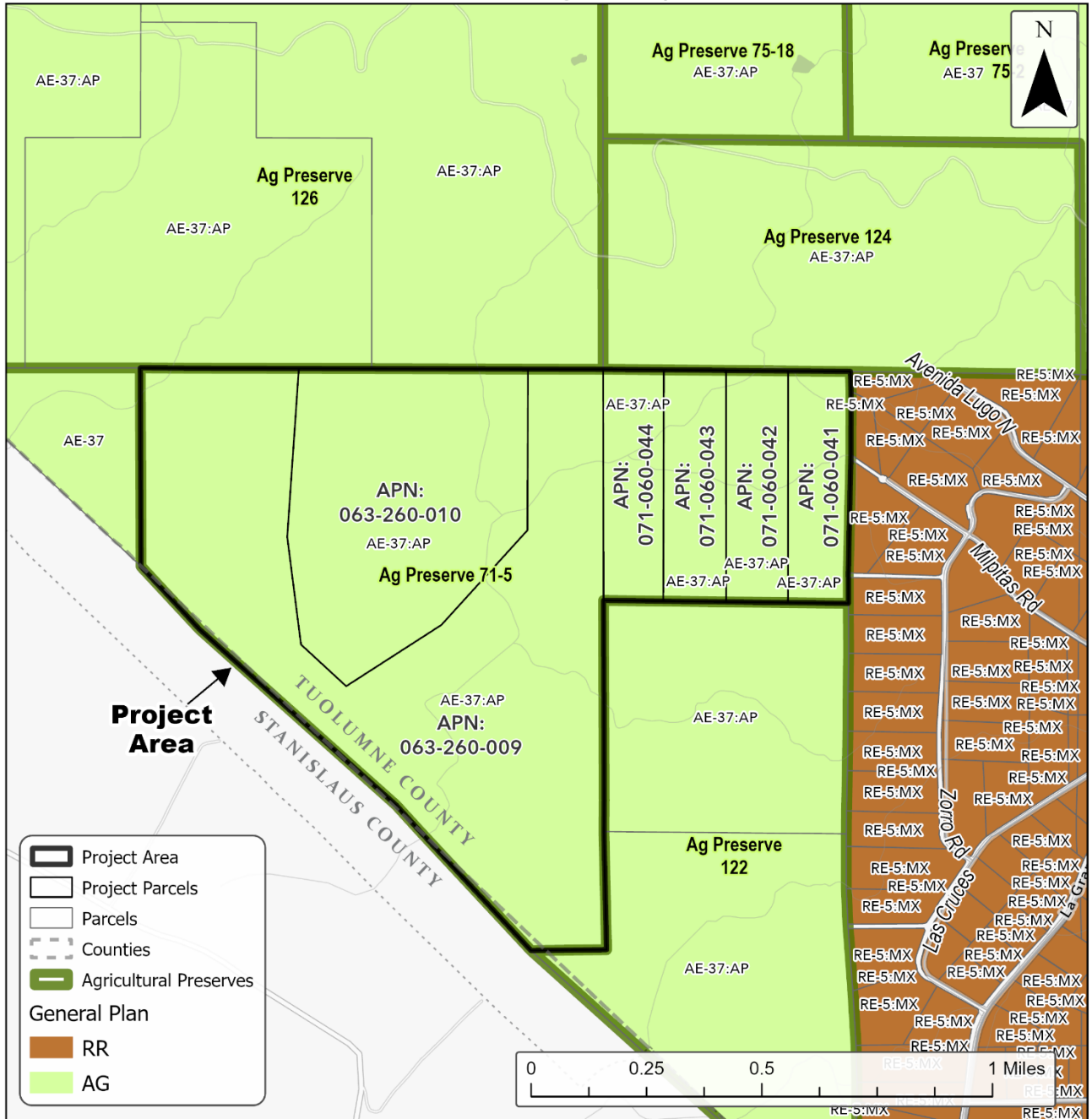
14. The proposed project rescinds Williamson Act Contract 05WA-63 and establishes new Williamson Act Contract 26WA-001 for the retained 407.98± acre parcel (APN 063-260-009). The four remaining parcels are proposed to be removed from the existing contract following the filing of a Notice of Nonrenewal and will no longer be subject to a Williamson Act Contract. The proposed project has been reviewed and found to be consistent with the requirements of Resolution No. 106-04.
15. Resolution No. 106-04 requires a minimum of 160 acres for a dryland grazing Williamson Act Contract. The retained parcel contains approximately 407.98 acres, exceeding the minimum acreage requirement. The Agricultural Management Plan has been reviewed, and no changes are proposed. The property will continue to be used for commercial dryland cattle grazing, which is a qualifying agricultural use.
16. The proposed project also amends Agricultural Preserve 71-5 by removing the four parcels that are no longer proposed to be under a Williamson Act Contract. APN 063-260-009 will remain within Agricultural Preserve 71-5 under the new Williamson Act Contract. The amendment updates the Agricultural Preserve to reflect the proposed contract boundaries.
17. Rule 4.B.3 of Resolution No. 106-04 requires amendments to Williamson Act Contracts to be referred to the Agricultural Advisory Committee for review and recommendation. The Agricultural Advisory Committee considered the proposed project on June 17, 2026, and unanimously recommended approval.
18. The proposed Williamson Act Contract, amendment to Agricultural Preserve 71-5, Agricultural Management Plan, and associated Zone Change have been reviewed and found to be consistent with the applicable provisions of Tuolumne County Resolution No. 106-04.

PREPARED BY: Taryn Vanderpan, Planner II

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Attachment 1: Agenda Map

LUNR-26-3: Agenda Map



Project: LUNR-26-3

Applicant/Owner: Matt Roberson / Clarence & Audrey Bosman Family Trust

APNs: 063-260-009, 063-260-010, 071-060-041, -042, -043 & -044

Acres: 761.23± Acres

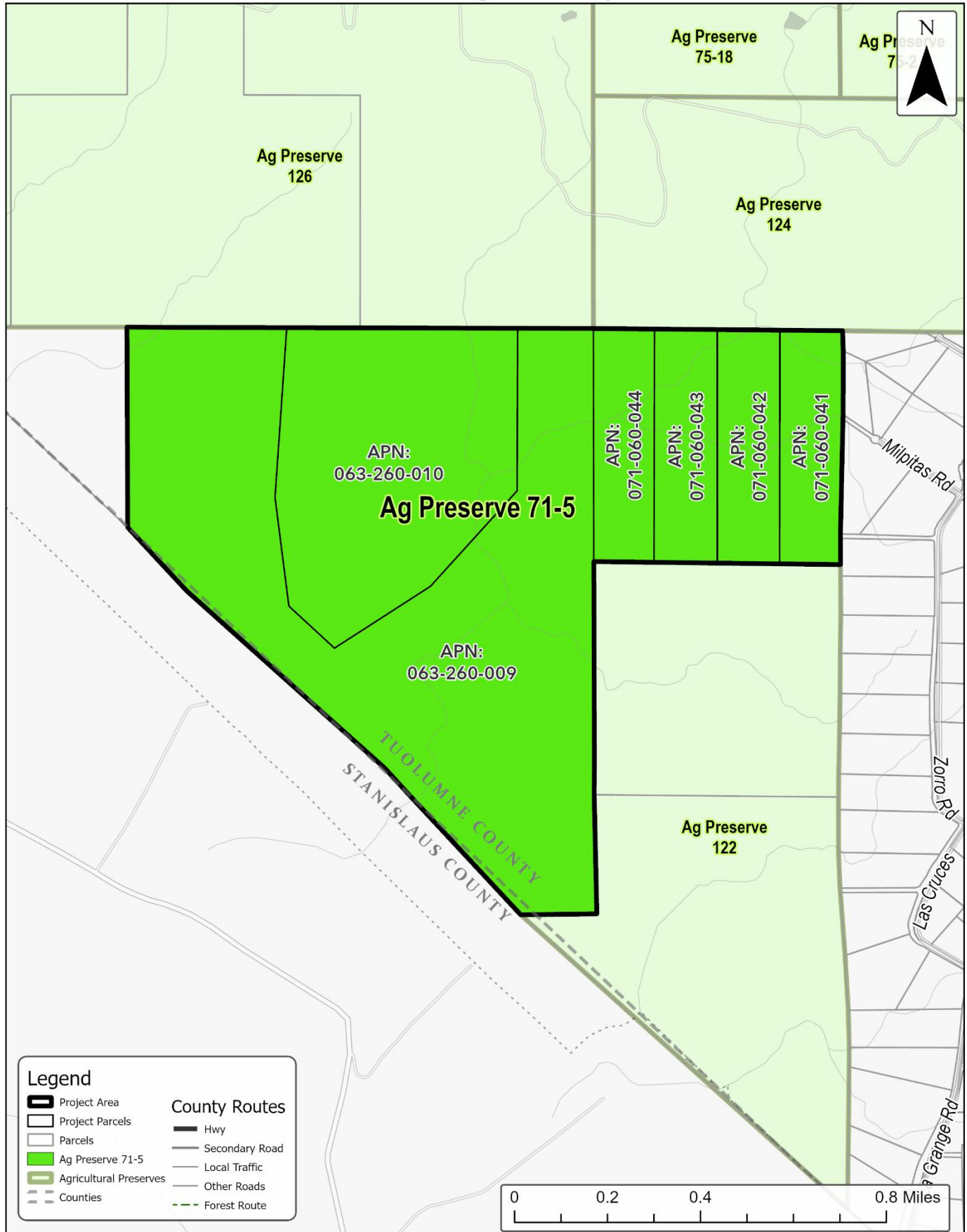
Current Zoning: AE-37:AP

Current General Plan Designation: Agricultural (AG)

Project Description: Rescind existing Williamson Act Contract 05WA-63 and execute new Williamson Act Contract 26WA-001, Agricultural Preserve Alteration to remove APNs 071-060-041, -042, -043, and -044 from Ag Preserve 71-5, and Rezone APNs 071-060-041, -042, -043, and -044 from AE-37:AP to AE-37.

Attachment 2: Ag Preserve Map

LUNR-26-3: Ag Preserve Map



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COMMUNITY DEVELOPMENT DEPARTMENT

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

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

May 15, 2026

TO: Tuolumne County Planning Commissioners

FROM: Roger Root, Acting Development Department
Director, Taryn Vanderpan, Planner II

SUBJECT: Recommendation to the Tuolumne County Board of Supervisors for
Consideration of adopting an ordinance amending Chapters 17.32 and 17.36 of
Tuolumne County Ordinance Code related to legal nonconforming structures and
accessory dwelling unit (ADU) development standards.

BACKGROUND

1. Staff is proposing amendments to Chapters 17.32 and 17.36 of Title 17 of the Tuolumne County Ordinance Code to simplify existing development standards and improve consistency within the Zoning Ordinance.
2. During the review of recent development applications, staff identified portions of the current ordinance that can create limitations on otherwise compliant residential improvements and accessory dwelling units. Staff is currently reviewing multiple building permit applications that cannot move forward under the existing ordinance despite otherwise complying with the applicable zoning district standards. These applications identified opportunities to clarify portions of the ordinance while continuing to regulate development under the existing standards in the applicable zoning district.
3. The proposed amendments are intended to simplify administration of the ordinance while continuing to regulate development consistent with the existing zoning standards and applicable State law.

DETAILS

NONCONFORMING STRUCTURES

The current ordinance limits additions to certain legal nonconforming structures to 10%, including those nonconforming due to setbacks. Under the current ordinance, the ten percent limitation applies regardless of whether the proposed addition complies with the zoning district's current development standards.

As a result, property owners may be unable to construct additions that would otherwise comply with the zoning district's current development standards. For example, an addition

located entirely outside of a required setback may still be prohibited because the overall expansion exceeds the ten percent limitation, even though the addition does not increase the existing setback encroachment or create any new nonconformities.

The proposed amendments would remove the ten percent expansion limitation and instead evaluate additions using the existing development standards of the applicable zoning district, including setbacks, height, lot coverage, and other zoning requirements. Additions would continue to be required to comply with current zoning standards and may not increase the degree of an existing nonconformity.

Sections proposed for amendment include:

- Section 17.32.030 – Continuation
- Section 17.32.080 – Repairs, Maintenance, and Structural Alterations
- Section 17.32.110 – Uses Recognized by General Plan

ACCESSORY DWELLING UNITS

The current ADU ordinance establishes fixed height limitations for attached and detached accessory dwelling units that differ from the height standards otherwise permitted within the applicable zoning district. In some cases, these limitations may prevent the construction of an ADU that would otherwise comply with the zoning district's development standards, while other residential development remains available through separate discretionary approval processes.

The proposed amendments would remove the fixed ADU height limitations and instead require ADUs to comply with the applicable zoning district's height standards. This provides consistency between ADUs and other residential structures while continuing to regulate development under the existing zoning standards.

The proposed amendments do not modify existing setback requirements, lot coverage, or other applicable development standards for ADUs and remain consistent with current State ADU law.

Sections proposed for amendment include:

- Section 17.36.050(B) – Detached ADU Height
- Section 17.36.050(C) – Attached ADU Height

FINDINGS

Per 17.100.110, the following findings are required for an amendment to Title 17

- a. The ordinance amendment is consistent in principle with the general plan, zoning code, and any applicable specific plan.**

The proposed amendments continue to regulate development through the existing standards of the applicable zoning district while simplifying portions of the ordinance that have proven difficult to administer. The amendments do not change permitted land uses, allowable density, or the development standards established within each zoning district. Therefore, the proposed amendments are consistent with the General Plan and the intent of Title 17.

- b. The proposed amendment would not be detrimental to the public health, safety, or welfare of the community.**

The proposed amendments do not reduce existing development standards related to setbacks, height, lot coverage, or other zoning requirements. Development will continue to be reviewed for compliance with all applicable County regulations. Therefore, the proposed amendments would not be detrimental to the public health, safety, or welfare.

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

This finding is not applicable because the proposed ordinance is a countywide amendment to the Zoning Ordinance and does not change the zoning designation or permitted uses of any property.

- d. The anticipated land uses on the subject site would be compatible with existing and future surrounding permitted uses.**

The proposed amendments do not change permitted land uses or allowable density. Development will continue to be reviewed for compliance with applicable zoning district standards to ensure compatibility with surrounding development.

GENERAL PLAN CONSISTENCY

The proposed ordinance amendments are consistent with the Tuolumne County General Plan because they do not modify land use designations, permitted uses, allowable density, or the development standards established for each zoning district. Instead, the amendments clarify existing development standards while continuing to regulate development under the applicable zoning district standards.

The proposed ADU amendments are consistent with **Housing Policy 2.A.4**, which encourages residential infill development through flexible development standards where adequate public facilities and services exist. The amendments allow accessory dwelling units to be reviewed under the same height standards applicable to the underlying zoning district while remaining consistent with State ADU law.

The proposed amendments related to legal nonconforming structures remove the existing ten percent expansion limitation and instead allow additions to be reviewed under the development standards of the applicable zoning district. The amendments continue to require compliance with current setback, height, lot coverage, and other applicable development standards, while ensuring that additions do not increase the degree of an existing nonconformity.

Therefore, the proposed ordinance amendments are consistent with the Tuolumne County General Plan, and the required finding can be made.

ENVIRONMENTAL REVIEW

The proposed ordinance amendments are exempt from CEQA pursuant to the State CEQA Guidelines, Sections 15060 (c) (2) and 15061(b)(3). The proposed amendments do not increase allowable density, change allowable land uses, or authorize development that would result in a direct or reasonably foreseeable physical impact on the environment. Rather, they clarify existing development standards while continuing to regulate development through the standards already established within Title 17. Therefore, it can be concluded with certainty that the proposed amendments will not have a significant effect on the environment.

RECOMMENDATION

Adopt the ordinance amending Chapters 17.32 and 17.36 of the Tuolumne County Ordinance Code related to legal nonconforming structures and accessory dwelling unit development standards.

Attachments:

Redline Ordinance

s:\planning\projects\tuolumne county\2026\tc26-002 - title 17 - adu & legal nonconforming\adu and noncoforming ordinance memo.rtf

ARTICLE 3 - Chapter 17.32

NONCONFORMING USES

Sections:

- 17.32.010 Purpose.**
- 17.32.020 Applicability.**
- 17.32.030 Continuation.**
- 17.32.040 Vested rights applicable to development of mineral resources.**
- 17.32.050 Determination of abandonment of nonconforming use.**
- 17.32.060 Nonconforming agricultural land uses.**
- 17.32.070 Reversion to prior nonconforming use.**
- 17.32.080 Repairs, maintenance, and structural alterations.**
- 17.32.090 Restoration, reconstruction, or replacement.**
- 17.32.100 Continuation of work already in progress.**
- 17.32.110 Uses recognized by General Plan.**

17.32.010 Purpose.

A. This Chapter is intended to permit continuation of uses and continued occupancy and maintenance of structures that were legally established but do not comply with one or more of the standards and requirements of this title but in a manner that does not conflict with the Tuolumne County General Plan.

B. This Chapter provides regulations for nonconforming uses, structures, and parcels, as well as landscaping, parking, and public utilities, that were lawful at the time of their construction or establishment, but which would be prohibited, regulated, or restricted differently under the terms of the current Title 17.

C. To that end, it is the intent of this Chapter to encourage reasonable improvements for appearance, maintenance, and safety while limiting the extent to which nonconforming uses and structures may continue to be used, altered, expanded, moved, or replaced. Generally, this Chapter is intended to be administered in a manner that encourages the eventual elimination of nonconformities. This Chapter is also intended to ensure that nonconformities shall not be reestablished after abandonment or discontinuance or restored after involuntary destruction, except in compliance with this Chapter.

D. Any use or structure established or constructed in violation of the applicable zoning regulations in effect at the time of establishment or construction and which does not conform to Title 17, is not a nonconforming use or structure, and is in violation of this title.

17.32.020 Applicability. The provisions of this Chapter shall apply to buildings and uses made nonconforming by a change in the zoning district in which such uses or buildings are located.

17.32.030 Continuation. The lawful use of land or buildings existing on the effective date of this title, although such use does not conform to the regulations of the zoning district in which such land or buildings are located, may be continued; provided, that no such use or building shall be enlarged or increased, nor be extended to occupy a greater area than occupied by such use on the effective date of this title, except that a building which is nonconforming only as regards setbacks may be extended or otherwise enlarged ~~by up to 10%~~ provided that all new construction meets or exceeds the setback requirements in effect as of the date of issuance of the building permit for the new construction; and further provided, that if such use is abandoned or ceases as provided in this Chapter, the subsequent use

of the land or buildings shall be in conformance with the regulations for the zoning district in which located. This section shall not apply to any use or structure established in violation of any zoning ordinance previously in effect.

17.32.040 Vested rights applicable to development of mineral resources. For determination of vested rights under the Surface Mining and Reclamation Act of 1975, please refer to [Chapter 8.20](#) of this title.

17.32.050 Determination of abandonment of nonconforming use. If the nonconforming use of a structure or premises ceases for a period of eighteen months, the use shall be considered abandoned, and the structure or premises shall thereafter be used only for uses permitted in the zoning district in which it is located.

17.32.060 Nonconforming agricultural land uses.

A. Nonconforming agricultural land uses shall be exempt from the provisions of Section 17.32.050;

B. Notwithstanding Section 17.32.020, nonconforming agricultural uses may be enlarged or increased, provided the use shall not be extended to occupy an area more than 10% larger than occupied by the agricultural use at the time it became nonconforming;

C. Nonconforming agricultural uses shall not be changed to another nonconforming agricultural use unless prior written approval is secured from the Director.

17.32.070 Reversion to prior nonconforming use. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

17.32.080 Repairs, maintenance, and structural alterations. Such repairs and maintenance work required to keep a nonconforming structure in sound condition may be made to the structure. No structural alterations may be made to a nonconforming structure except those required by law or as

provided in Sections 17.32.020 [17.32.030](#) or 17.32.110.

17.32.090 Restoration, reconstruction, or replacement. Any nonconforming structure damaged by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or act of God may be restored, reconstructed, or replaced (in the same location without an increase in height, or size over its previous area, except as provided in Sections 17.32.020 or 17.32.110) and used as before such happening, provided such reconstruction is commenced within two years of such happening, unless an extension is requested and granted by the Director. Any nonconforming structure that is in a dilapidated state or is functionally obsolete may be restored, reconstructed, or replaced (in the same location without an increase in height, or size over its previous area, except as provided in Sections 17.32.020 and 17.32.110) provided the use of the structure has not ceased for a period of eighteen months.

17.32.100 Continuation of work already in progress. Nothing contained in this Chapter shall require any change in the overall layout, plans, construction, size, or designated use of any development, structure, or part thereof for which official approvals and required building permits have been granted before the enactment of this title.

17.32.110 Uses recognized by General Plan. All land uses, except those related to the development of mineral resources, that are legally permissible but do not conform to the regulations of the zoning district in which the use is located, are declared to be nonconforming uses and subject to the provisions of this Chapter except as provided herein. ~~The total floor area under one roof of a structure, the use of which is nonconforming for any cause other than setbacks, may be extended or enlarged one time by as much as 10%. The total floor area under one roof of a structure, the use of which is nonconforming for any cause other than setbacks, may be extended or enlarged,~~

provided that all new construction complies with the applicable development standards of the zoning district in effect as of the date of issuance of the building permit for the new construction and does not increase the degree of the existing nonconformity. Vested rights related to the development of mineral resources shall be determined in accordance with the Surface Mining and Reclamation Act of 1975, as amended, and [Chapter 8.20](#) of this code. Any legally created parcel of land of record that does not meet the minimum parcel size specified herein for its zoning district may be used as a building site provided all other development standards can be met.

ARTICLE 4 - Chapter 17.36

ACCESSORY DWELLING UNITS

Sections:

- 17.36.010 Purpose.**
- 17.36.020 Locations Permitted.**
- 17.36.030 Permit Required.**
- 17.36.040 Junior Accessory Dwelling Units.**
- 17.36.050 Development Standards.**
- 17.36.060 Other Provisions.**
- 17.36.070 Code Enforcement.**
- 17.36.080 Compliance with State Law.**

17.36.010 Purpose. The purpose of this Chapter is to provide regulations and criteria for the establishment and location of accessory dwelling units in compliance with Government Code Section 65852.2.

17.36.020 Locations Permitted. Accessory dwelling units and junior accessory dwelling units are allowed in districts zoned to allow single-family or multifamily uses, subject to the permit requirements of applicable zone districts and compliance with the development standards of this Chapter.

17.36.030 Permit Required. An accessory dwelling unit may be attached to or detached from an existing or proposed single-family or multifamily dwelling upon the issuance of a permit in accordance with this Chapter. An attached accessory dwelling unit may also be attached to or placed within attached or detached garages, storage areas, or an accessory structure. A junior accessory dwelling unit must be within the walls of the primary single-family dwelling, including, but not limited to, an attached garage. Alternatively, the one allowed junior accessory dwelling unit may also be combined with a detached accessory dwelling unit. The Director shall approve a permit for an accessory dwelling unit and/or junior accessory dwelling unit meeting the development standards of this Chapter and consistent with Section 65852.2 of the Government Code.

A. Processing of Permit. A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without

discretionary review or a hearing, in accordance with Section 65901 or 65906 of the Government Code and all local ordinance provisions regulating the issuance of variances or special-use permits, as follows.

1. On Single-Family Lots.
 - a. An attached accessory dwelling unit shall be allowed subject to the following:
 - i. The accessory dwelling unit can be within the enclosed, conditioned space of a proposed or existing single-family dwelling or new construction attached to the primary single family dwelling.
 - ii. The unit has exterior access from the proposed or existing single-family dwelling.
 - iii. The floor area shall not exceed 50% of the floor area of the existing or proposed single family dwelling.
 - b. A junior accessory dwelling unit shall be allowed subject to the following:

- i. May include an expansion of not more than 150 square feet beyond the current physical dimensions of the existing accessory structure solely to accommodate ingress and egress. Here and throughout Chapter 17.36, square footage can be measured from the interior walls.
 - c. A detached, new construction, accessory dwelling unit on a lot with a proposed or existing single-family dwelling.
 - d. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph a.i. for the purposes of a single permit.
 - 2. On Multifamily Lots.
 - a. Multifamily structures may be allowed accessory dwelling units in a total amount of up to 25 percent of the number of total principal units entitled on the property. At least one accessory dwelling unit must be allowed.
 - b. Accessory dwelling units may be provided within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, if each unit complies with state building standards for dwellings. If the existing multifamily dwelling exceeds applicable height requirements or has a rear or side setback of less than 4 feet, the County shall not require any modification to the existing multifamily dwelling to satisfy these requirements. The County shall not reject an application for an accessory dwelling unit because the existing multifamily dwelling exceeds applicable height requirements or has a rear or side setback of less than 4 feet.
- c. No more than two accessory dwelling units may be detached from a primary multifamily structure.
- B. The County will review and issue demolition permits for a detached garage that is to be replaced by an accessory dwelling unit at the same time as it reviews and issues the permit for the accessory dwelling unit. The applicant shall not be required to provide written notice or post a placard for the demolition of a detached garage that is to be replaced by an accessory dwelling unit.
 - C. The County shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions. In addition, an existing nonconforming residential structure can become an ADU and the County cannot require the correction of nonconforming zoning.
 - D. Timing
 - 1. The County shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the County receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the application is denied, within the 60 day timeframe, the County will

- return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant. If the County does not act within 60 days, the application shall be deemed approved.
2. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the County may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the County acts on the permit application to create the

- new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing.
3. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay.

Figure 17.36.1

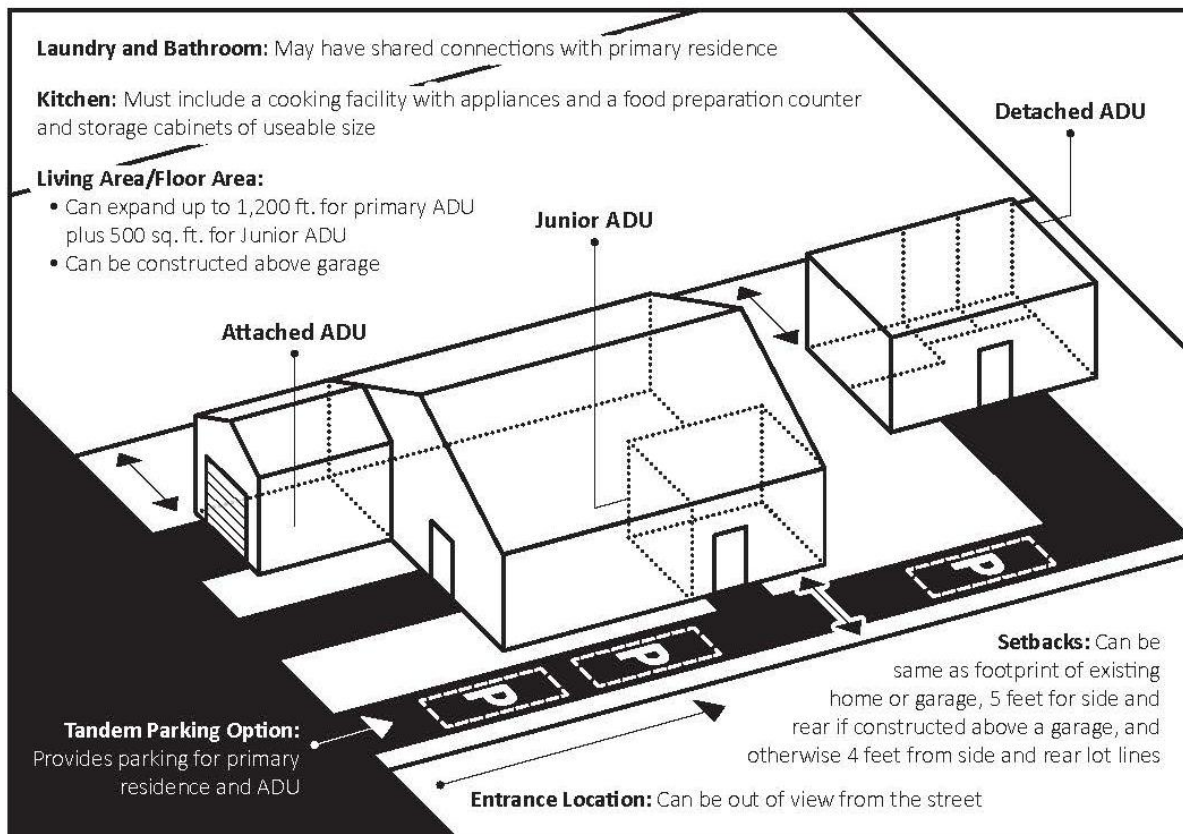
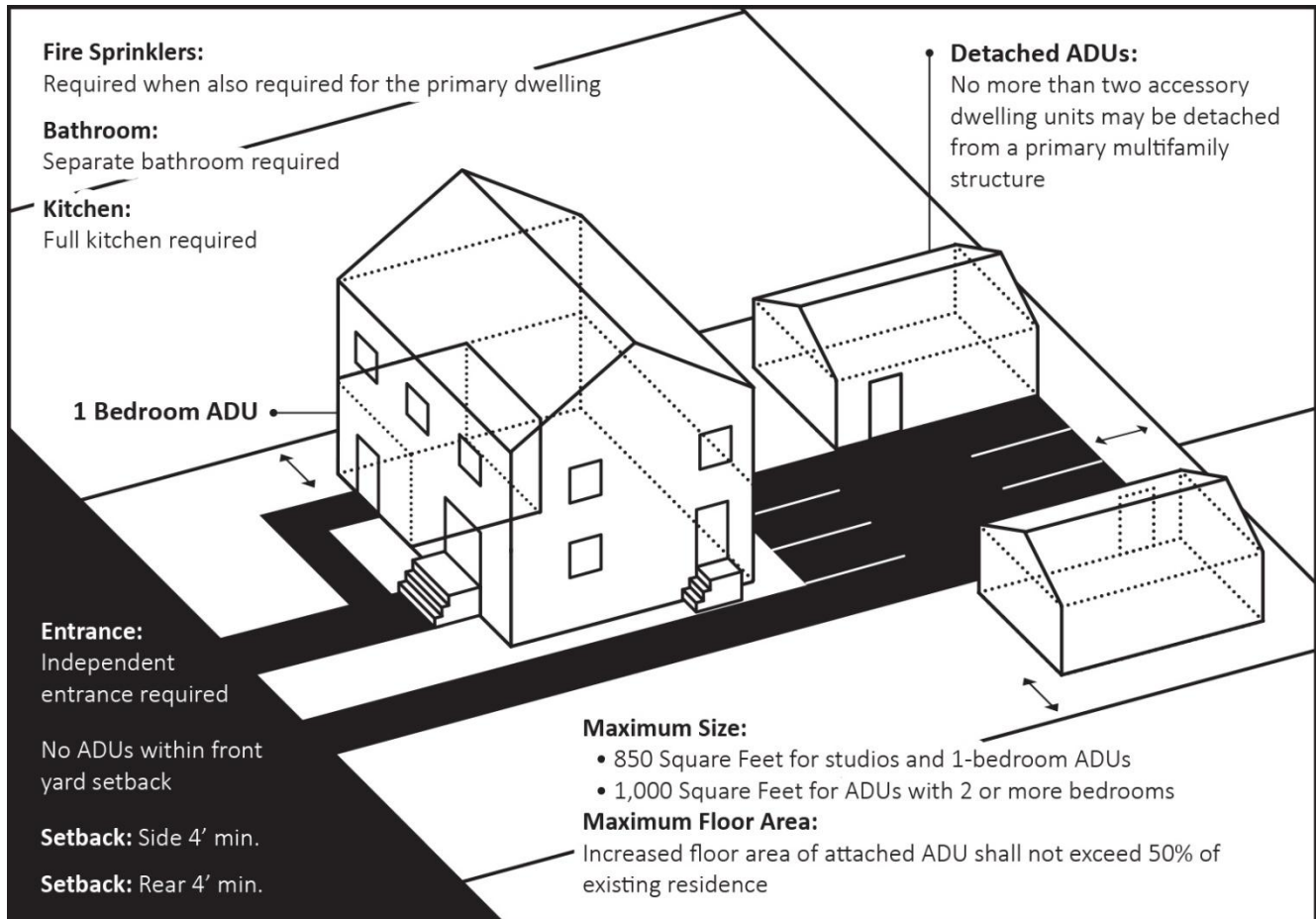


Figure 17.36.2



E. The County shall not issue a certificate of occupancy for an accessory dwelling unit before the certificate of occupancy is issued for the primary residence (Ord. 3471 § 11, 2024).

17.36.040 Junior accessory dwelling units. In addition to complying with Government Code Section 65852.2, junior accessory dwelling units shall comply with the following:

A. When a junior accessory dwelling unit is permitted, the owner must reside on the property. The owner may reside in either the remaining portion of the structure or the newly created junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, housing organization, or other 501(c)(3) organization.

B. A junior accessory dwelling unit may not be detached from the proposed or existing primary residence.

C. A junior accessory dwelling unit shall not exceed 500 square feet of conditioned and unconditioned space.

D. A junior accessory dwelling unit shall include a separate entrance from the main entrance to the proposed or existing primary residence. A junior accessory dwelling unit that does not include a separate bathroom shall also include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

E. A junior accessory dwelling unit shall include an efficiency kitchen, which shall include:

1. A cooking facility with appliances; and
2. A food preparation counter and storage cabinets that are of useable size.

F. Parking shall not be required as a condition to permit a junior accessory dwelling unit.

G. No subdivision of this County Code of Ordinances shall be interpreted to prohibit the requirement of an inspection, including the imposition of a fee for that inspection, to

determine if a junior accessory dwelling unit complies with applicable development standards.

H. Prior to the issuance of a building permit for a junior accessory dwelling unit, the owner of the lot or parcel on which it is to be constructed shall record a deed restriction in a form satisfactory to the County Counsel that includes the following:

1. A prohibition of the sale of the junior accessory dwelling unit separately from the sale of the primary residence, including a statement that the deed restriction may be enforced against future purchasers; and
2. A restriction on the size and attributes of the junior accessory dwelling unit that conforms with Section 65852.2 of the Government Code that regulates accessory dwelling units.

17.36.050 Development Standards. The following development standards shall apply to all accessory dwelling units.

A. The living area of a detached accessory dwelling unit shall not exceed 1,200 square feet. The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary residence's living area, with a maximum increase in floor area of 1,200 feet.

B. A detached accessory dwelling unit shall A detached accessory dwelling unit shall comply with the applicable height limitations of the zoning district in which the parcel is located. A detached accessory dwelling unit shall be set back at least four (4) feet from side and rear property lines. ~~not exceed 16 feet in height and shall be set back at least four feet from side and rear property lines, except that up to an additional 2 feet may be allowed if required to align with the roof pitch of the primary dwelling. If the detached accessory dwelling unit is within one-half mile walking distance of a major transit stop or is part of a multifamily multistory building, its height shall not exceed 18 feet.~~

C. An accessory dwelling unit attached to the primary dwelling shall comply with the height limitation of the zoning district in which the parcel is located. ~~not exceed 25 feet in height or the height limitation in the zoning code for the zone where the accessory dwelling unit is~~

~~located, whichever is lower.~~ Attached accessory dwelling units shall not exceed two stories.

D. No setback shall be required for an existing living area, garage, or other accessory structure that is converted to an accessory dwelling unit (or portion of accessory dwelling unit) with the same dimensions as the existing structure, and a setback of four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above an attached or detached garage.

E. Except as otherwise provided in this Chapter, the accessory dwelling unit shall not increase an existing or create a new encroachment upon any required side or rear yard space, increase building height or coverage beyond the standards prescribed for the district in which it is located, or decrease the distance between structures that is required.

F. No passageway or entrance within view of a street shall be required in conjunction with the construction of an accessory dwelling unit.

G. An accessory dwelling unit shall include a maximum of one kitchen and a minimum of one bathroom.

H. Both the existing or proposed single-family or multifamily residence and the accessory dwelling unit shall contain laundry connections within them.

I. Fees

1. Notwithstanding any provision to the contrary contained in this code (or in any code adopted by reference in this code), an accessory dwelling unit may be connected to the county sewerage system through a side sewer shared with the existing residence on the site, or it may have its own side sewer. In either case, the connection of the accessory dwelling unit to the county sewerage system is subject to the requirements of this Chapter 17.36, including obtaining applicable permits, paying connection charges (where applicable), and paying user charges. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges for utilities, including

water, electricity, sewer, and other utilities as defined. Separate metering of utilities is not required for attached accessory dwelling units but is required for detached accessory dwelling units.

2. Fees will be charged for the construction of accessory dwelling units in accordance with Title 3 of the Tuolumne County Code of Ordinances and state law. The County, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Impact fees include school fees. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
3. A connection fee shall not be collected for water, sewer, power, or other utility for a junior accessory dwelling unit.

J. Fire sprinklers are not required for accessory dwelling units if they are not required for the existing or proposed single-family or multifamily residence. Construction of an accessory dwelling unit shall not trigger a requirement that fire sprinklers be installed in the existing primary dwelling.

1. For purposes of fire or life-protection regulations, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit.

K. An accessory dwelling unit may be rented, but it shall not be offered for sale apart from the principal unit, nor shall the lot or parcel be subdivided to create a separate building site unless approved pursuant to the subdivision ordinance of this County. No accessory dwelling unit may be offered for rental terms of less than 30 days.

1. Notwithstanding Section 17.36.050.K, the County may, by ordinance, allow an accessory dwelling unit to be sold or conveyed separately from the

primary residence to a qualified buyer if all the following apply:

- a. The property was built or developed by a qualified nonprofit corporation.
- b. There is an enforceable restriction on the use of the land pursuant to a recorded contract between the qualified buyer and the qualified nonprofit that satisfies all the requirements of paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code.
- c. The property is held pursuant to a recorded tenancy in common agreement that includes all the following provisions:
 - i. The agreement allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies.
 - ii. A repurchase option that requires the qualified buyer first offer the qualified nonprofit corporation the opportunity to buy the property if the buyer desires to sell or convey the property.
 - iii. A requirement that the qualified buyer occupy the property as the buyer's principal residence.
 - iv. Affordability restrictions on the sale and conveyance of the

property that ensure the property will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to qualified buyer.

- d. A grant deed naming the grantor and grantee and describing the property interests being transferred shall be recorded in the county in which the property is located. A Preliminary Change of Ownership Report shall be filed concurrently with this grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.
- e. Notwithstanding any provisions in Section 17.36.050 of this code, if requested by a utility providing service to the primary residence, the accessory dwelling unit shall have a separate water, sewer, or electrical connection to that utility.

L. Except as otherwise provided in this Chapter, accessory dwelling units shall comply with all uniform building codes adopted, and all other applicable laws, rules, and regulations. An accessory dwelling unit may consist of manufactured housing if such housing is permitted in the district in which it is proposed to be located and meets the standards for such housing.

M. Parking

- 1. Additional off-street parking shall not be required of an accessory dwelling unit that is included in an application to create a new single-family dwelling unit or a new multifamily dwelling on the same lot.
- 2. Parking provided shall not exceed one space per unit or per bedroom, whichever is less. Such

additional space may be a tandem space in a driveway or off-street within setback areas provided in locations approved by the County. Tandem parking and the location of off-street parking within setback areas shall be approved by the County unless specific findings can be and are made that parking in setback areas or tandem parking is not feasible based on specific site or regional topographical or fire and life safety conditions.

- 3. If a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or is converted to an accessory dwelling unit, those off-street parking spaces are not required to be replaced.
- 4. No additional off-street parking spaces shall be required for accessory dwelling units in locations meeting the following criteria:
 - a. The unit is located within one-half mile walking distance of public transit.
 - b. The unit is located within a historic district.
 - c. The accessory dwelling unit is part of a proposed or existing primary residence or accessory structure.
 - d. On-street parking permits are required but not available to the occupant of the accessory dwelling unit.
 - e. There is a car-share vehicle located within one block of the accessory dwelling unit.

17.36.060 Other Provisions.

A. This section shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

B. No other local ordinance, policy, or regulation shall be the basis for the delay or

denial of a building permit or a use permit under Chapter 17.36.

C. Any covenant, restriction, or condition contained in any deed, contract, security instrument, or other instrument affecting the transfer or sale of any interest in a planned development, and any provision of a governing document, that either effectively prohibits or unreasonably restricts the construction or use of an accessory dwelling unit or junior accessory dwelling unit on a lot zoned for single-family residential use that meets the requirements of Section 65852.2 or 65852.22 of the Government Code, is void and unenforceable.

17.36.070 Code Enforcement. The code enforcement officer shall from time to time conduct a review of accessory dwelling units within the county. The code enforcement officer or designee may enforce all provisions of this code and provisions of state law pertaining to the development, occupation, and maintenance of residential properties and accessory dwelling units, pursuant to the following provisions:

A. A code enforcement officer may report:

1. A change in ownership of the lot or parcel of land on which the residential units are situated.
2. A change in the occupancy of the residential units that is not in compliance with this section.

B. A code enforcement officer may issue to an owner of an accessory dwelling unit a notice to correct a violation of any provision of any building standard or any failure to comply with this section. The code enforcement officer shall include in that notice a statement that the owner of the unit has a right to request a delay in enforcement pursuant to the following findings:

1. The accessory dwelling unit was built before January 1, 2020
2. The accessory dwelling unit was built on or after January 1, 2020; however, at the time the unit was built, the County had a noncompliant accessory dwelling unit ordinance, but the unit is compliant at the time the request is made.

C. The owner of an accessory dwelling unit that receives a notice to correct violations or abate nuisances as described in Section 17.36.070, may submit an application to the County requesting that enforcement of the

violation be delayed for up to five years on the basis that correcting the violation is not necessary to protect health and safety.

1. The County shall grant an application described in Section 17.36.070.C if it is determined that correcting the violation is not necessary to protect health and safety. In making this determination, the Director or designee shall consult with the code enforcement officer, building official, and/or the State Fire Marshal or designee pursuant to Section 13146 of the Health and Safety Code.
2. The County shall not approve any applications pursuant to this section on or after January 1, 2030. However, any delay that was approved by the County before January 1, 2030, shall be valid for the full term of the delay that was approved at the time of the initial approval of the application pursuant to Section 17.36.070.C.1. If upon such review it appears that in a particular case a violation of the provisions of this Chapter has occurred, the code enforcement officer may take such action as deemed necessary by the County Counsel to correct any violation.
3. The County shall not deny a permit for an unpermitted accessory dwelling unit that was constructed before January 1, 2018, because, among other things, the unit is in violation of building standards or state or local standards applicable to accessory dwelling units, unless the County makes a finding that correcting the violation is necessary to protect the health and safety of the public or occupants of the structure. This prohibition does not apply to a building that is deemed substandard under specified provisions of law.

17.36.080 Compliance with State Law. This section is intended to comply with the requirements of Section 65852.2 of the Government Code and any amendments thereto. All accessory and junior accessory dwelling units approved by this section are deemed to not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and accessory and junior accessory dwelling units are a residential use that is

consistent with the existing General Plan and zoning designations for the lot.