





# COMMUNITY DEVELOPMENT DEPARTMENT

Quincy Yaley, AICP  
Director

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

December 4, 2019

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

TO: Tuolumne County Board of Supervisors

FROM: Quincy Yaley, AICP  
Community Development Department Director

RE: Resolution for General Plan Amendment GPA13-005(3) to update the Utilities, Agriculture, Natural Resources, Natural Hazards, and Climate Change Elements of the 2018 Tuolumne County General Plan

1. California Government Code section 65300 requires the County to adopt a general plan for the physical development of the County. A general plan is more than the legal underpinning for land use decisions; it is a vision about how a community will grow, reflecting community priorities and values while shaping the future. The project before your Board is amendments to the 2018 Tuolumne County General Plan.
2. On January 3, 2019, the Tuolumne County Board of Supervisors approved the 2018 Tuolumne County General Plan and certified the Final Environmental Impact Report.
3. On January 31, 2019, the Central Sierra Environmental Resource Center (CSERC) filed a lawsuit in the Superior Court of the State of California citing violations of the California Environmental Quality Act and State Planning and Zoning Law. Since that time, the County has been negotiating with CSERC. A settlement agreement was considered earlier in the meeting on December 17, 2019.
4. Under the settlement agreement, the County is to consider the following changes to the General Plan. Community Development Department staff is recommending language changes to policies and implementation programs in the following elements:
  - Utilities Element
  - Agriculture Element
  - Natural Resources Element
  - Natural Hazards Element
  - Climate Change Element
5. These proposed changes are shown below. For ease of reference the proposed revisions to the five elements are identified with red underline font for additions and a ~~red strikethrough font~~ for deletions. Due to the length of each element, only the proposed changes are included in the resolution. The entire General Plan, with the proposed changes, is located on the Land Use and Natural Resources Division website at <https://www.tuolumnecounty.ca.gov/185/General-Plan-Policy>.
6. Proposed language changes in the **Utilities Element**:

**Implementation Program 3.A.a** - Utilize the Special Commercial (SC) General Plan land use designation on property suitable for commercial development of a neighborhood, rural or tourist-

oriented nature but lacking service from a public water system. Development of a commercial nature on land designated SC is allowed with applicant permits without having service from a public water or sewer system, but only where service is not reasonably available, and the development will not significantly impact water quality and/or water supply, or unreasonably overburden County services, unless the County finds that the development's benefits outweigh these significant impacts.

7. Proposed language changes in the **Agriculture Element**:

**Policy 8.A.2:** Exempt the following agricultural lands from Policies 8.A.1, 8.A.3 and 8.A.4:

- ~~• Areas of land designated Agricultural that are less than 160 acres in size and are surrounded by land designated other than Agricultural or Public that is managed for open space uses. These areas may contain more than one parcel and ownership of the parcels may be by different owners.~~
- Parcels that meet all of the following criteria: (1) the parcel is less than 80 acres in area; (2) the parcel is located within 500 feet of a public water main; and (3) the parcel is situated adjacent to land designated High Density Residential (HDR), Medium Density Residential (MDR), Low Density Residential (LDR), Mixed Use (MU), Neighborhood Commercial (NC), General Commercial (GC) or Heavy Commercial (HC) by the General Plan land use diagrams.

These agricultural lands may be converted from Agricultural to an appropriate land use designation as determined by the Board of Supervisors.

**Policy 8.E.3:** Modify County regulations as necessary to facilitate the development and growth of the agritourism industry. Specifically, amend the Uniform Zoning Ordinance, Title 17 of the Tuolumne County Ordinance Code, to:

- allow farm stays, bed and breakfasts, guest ranches and similar opportunities for people to experience a rural lifestyle on agricultural lands.
- provide for weddings, festivals, parties, and other types of public gatherings, and minimize offsite impacts thereof, on land zoned for agriculture when such events are educational or accessory to the agricultural use of the land. Review such activities on a regular basis for compliance with established standards for commercial events and to address compatibility with neighboring land uses.
- provide for agritourism activities and events as permitted or conditional uses on nonagricultural land to promote agricultural products grown in the County.

8. Proposed language changes in the **Natural Resources Element**:

**Implementation Program 16.B.j** - Establish thresholds of significance under the California Environmental Quality Act (CEQA) for the conversion of oak woodlands in Tuolumne County. The following provides the County's recommended standard guidelines for determining whether a project may result in a significant impact to oak woodlands, for purposes of review under the California Environmental Quality Act and Public Resources Code Section 21083.4.

- An oak woodland is defined in the General Plan as a woodland stand with 10% or greater native oak canopy cover. Tree removal from parcels with less than 10% native oak canopy cover is not considered a significant conversion or loss of oak woodland.
- For parcels with 10% or greater native oak canopy cover (i.e., parcels with oak woodland, as defined in the General Plan), a significant impact to oak woodland includes tree removal that reduces the total oak canopy cover onsite to below 10% (i.e., conversion to non-oak woodland), or a loss of 10% or greater of oak canopy woodland stand on the parcel, if the conversion or loss is determined by a trained professional to be substantial in consideration of, but not limited to, the following:

- o Total acres and amount of woodland stand removed or disturbed, and amount retained onsite.
  - o Pattern of development or habitat loss onsite (e.g., clustered vs. dispersed).
  - o Existing habitat functions and quality (e.g., intact/high-quality, moderately degraded, or severely degraded).
  - o Stand age- or size-class structure.
  - o Rarity.
  - o Landscape position in relation to larger wildlife corridors, stream systems, or other important natural features.
  - o Loss of valley oak (*Quercus lobata*) woodland, which is a sensitive habitat.
  - o Proximity to other oak woodland patches and connectivity to large blocks of intact habitat.
  - o Contribution to a cumulative loss, degradation, or fragmentation of oak woodland across the County.
- Removal of valley oaks (*Quercus lobata*), regardless of woodland stand size or canopy cover, shall require evaluation and determination as set forth above, including consideration of any unique habitat value provided by valley oaks.

9. Proposed changes to the **Natural Hazards Element**:

**Implementation Program 17.E.b** – New development in very high fire hazard zones in local or state responsibility areas shall meet California Building and Fire Codes, including Wildland-Urban Interface Building Codes. For new development proposed in very high fire hazard zones, the County will consult with the State fire agency (CAL FIRE) to determine that all feasible wildfire mitigation measures are included and that safe ingress/egress criteria are met. Recognize that new development, including urban or clustered development, is acceptable in moderate, high and very high fire hazard zones, provided that project design meets California Building and Fire Codes including Wildland Urban Interface Building Codes. Such developments Developments in either high or very high fire hazard zones may be required to provide and maintain additional off-site fire defense improvements.

10. Proposed changes to the **Climate Change Element**:

**Policy 18.A.1** – Prepare a Climate Action Plan (CAP), or similar GHG emission reduction plan, that establishes a GHG reduction target consistent, at a minimum, with the Senate Bill (SB) 32 goal to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030 and taking into consideration the Executive Order (EO) S-3-05 goal to reduce GHG emissions to 80 percent below 1990 levels by 2050. The County will first update the baseline inventory of jurisdiction-wide greenhouse gas emissions. The CAP shall identify specific measures to reduce countywide emissions consistent with the established target and will also include adaptation strategies for the County to appropriately adjust to the environmental effects of climate change. Many of the measures in the CAP will overlap with and help implement goals, policies, and implementation programs identified in this General Plan.

**Implementation Program 18.A.a** – Include specific GHG emissions reduction measures in the CAP. Examples include, but are not limited to, the following:

- *[list of 44 examples]*
- Require all mitigation relying on offsets of GHG emissions to be quantifiable, enforceable, and additional to any GHG reductions that otherwise would have occurred.

- Require that, where feasible, on-site design features will be utilized to reduce GHG emissions and VMT before a development applicant may purchase off-site mitigation credits or carbon off-sets.

**Implementation Program 18.A.d** - Adopt and begin implementing the CAP prior to December 31, 2020.

**Policy 18.A.2** – In the interim prior to adoption of the CAP, analyze and mitigate individual project's GHG impacts consistent with CEQA and considering the goals of SB 32. Continue to implement, prior to adoption of the CAP, the *Tuolumne County Regional Blueprint Greenhouse Gas Study* (January 2012) (including any updates) to reduce GHG emissions to 1990 levels by 2020 pursuant to Assembly Bill 32. The 2012 Greenhouse Gas Study will be considered superseded by the CAP once it is adopted.

11. On January 3, 2019, the Board of Supervisors certified an environmental impact report (EIR) for the Tuolumne County General Plan Update. The EIR (State Clearinghouse No. 201508202) for the General Plan Update was prepared as a program EIR under the provision of Section 15168 of the State CEQA Guidelines. The proposed project entails updating several policies and programs in various elements of the 2018 General Plan. The proposed changes do not alter the land use designation or zoning of any parcels or create new impacts outside of those identified in the previously certified EIR. Therefore, pursuant to Section 15162 of the State CEQA Guidelines, no additional review under the California Environmental Quality Act is required for the proposed updates.

### **RECOMMENDATION**

Community Development Department Staff recommends approval of General Plan Amendment GPA13-005(3) based upon the following findings and contingent upon adoption of the Master Resolution amending the General Plan:

- A. The proposed General Plan Amendment is consistent with the Tuolumne County General Plan.
- B. The proposed General Plan Amendment does not constitute a substantial modification of the adopted 2018 General Plan not previously considered by the Tuolumne County Planning Commission and does not require referral to the Tuolumne County Planning Commission pursuant to Government Code section 65356.
- C. The General Plan Amendment is consistent with the Government Code Sections regarding General Plan requirements.
- D. The General Plan Amendment is exempt from additional environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15162 of the State CEQA Guidelines.

S:\Planning\PROJECTS\General Plan Amendment\2013\GPA13-005(3) General Plan Update\staff report 2018 GP Final .docx



OFFICE OF  
ENVIRONMENTAL COORDINATOR

Quincy Yaley, AICP  
Environmental Coordinator

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

NOTICE OF DETERMINATION

**PROJECT**

**DESCRIPTION:** Resolution for General Plan Amendment GPA13-005(3) to update the Utilities, Agricultural Resources, Natural Resources, Natural Hazards, and Climate Change Element of the Tuolumne County General Plan.

**PROJECT**

**PROPOSER:** Tuolumne County

**PROJECT**

**LOCATION:** The unincorporated area of Tuolumne County

The Board of Supervisors for the County of Tuolumne on December 17, 2019 approved the project described above and has made the following determinations:

1. The project will not have a significant effect on the environment.
2. Mitigation measures were not included as conditions of project approval.
3. A mitigation reporting or monitoring plan was not adopted for this project.
4. A statement of Overriding Considerations was not adopted for this project.
5. Findings relative to significant environmental effects identified in an Environmental Impact Report were not made pursuant to Section 15168 of the State CEQA Guidelines.
6. On January 3, 2019, the Board of Supervisors certified an environmental impact report (EIR) for the Tuolumne County General Plan Update (State Clearinghouse No. 201508202). The EIR for the General Plan Update was prepared as a program EIR under the provision of Section 15168 of the State CEQA Guidelines. As a program EIR, the document adopted by the Board of Supervisors adequately addressed the potential environmental impacts associated with the comprehensive update of the County's constitution for growth including certain implementation activities and provided for streamlining of the environmental review process for projects proposed subsequent to certification of the EIR. The proposed project entails updating the several policies and programs in various elements of the 2018 General Plan. The proposed changes do not alter the land use designation or zoning of any parcels or create new impacts outside of those identified in the previously certified EIR. Therefore, pursuant to Section 15162 of the State CEQA Guidelines, no additional review under the California Environmental Quality Act is required for the proposed updates.

The project documents may be examined at the Tuolumne County Community Resources Agency.

The staff contact person is: Quincy Yaley

This is to certify that the final EIR with comments and responses and record of project approval, or the Negative Declaration and all documents referenced in the Negative Declaration for the project described above, is available to the General Public in the Community Resources Agency, Monday through Friday, 8:00 a.m. to 4:00 p.m., Fourth Floor, A. N. Francisco Building, 48 Yaney Avenue, Sonora, California.

\_\_\_\_\_  
Quincy Yaley, AICP  
Environmental Coordinator

\_\_\_\_\_  
Date

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of Tuolumne will hold a public hearing on December 17, 2019, at 1:30 p.m., or as soon thereafter as may be heard, in its Chambers, County Administration Center, 2 South Green Street, Sonoma, California, to consider the following:

1. **CASSARETTO, 1)** General Plan Amendment (GPA19-006) to change the General Plan land use designation on 2.3 acres to General Commercial (GC); **2)** Notice of Exemption pursuant to State CEQA Guidelines. 11945 Ponderosa Lane. APN 07-031-001, 07-031-007, and 07-031-009.
2. **OXBOW INVESTMENTS, 1)** General Plan Amendment (GPA17-009) to amend the General Plan land use designation to LDR; **2)** Zone Change (RZ17-010) to rezone the 5.0 acre parcel to R-1:PD; **3)** Planned Unit Development (PUD17-001) to reduce the minimum lot size, the minimum building setback, and the number and location of the public utility easements; **4)** Vesting Tentative Subdivision Map (TSM17-054) to subdivide the 5.0 acre parcel into 29 lots. Northeast of the intersection of Tuolumne Road and Wards Ferry Road. APN 061-150-025 and 61-150-049. Mitigated Negative Declaration pursuant to State CEQA Guidelines.
3. **GENERAL PLAN AMENDMENT**, General Plan Amendment (GPA13-005(3)) to update the Utilities, Agricultural Resources, Natural Resources, Natural Hazards and Climate Change Elements of the Tuolumne County General Plan. Notice of Determination pursuant to State CEQA Guidelines.
4. **MASTER RESOLUTION**, Adopt Master Resolution for General Plan Amendments GPA19-005(3), GPA17-009, and GPA19-006.

NOTICE IS HEREBY GIVEN THAT at said hearings any interested person may appear and be heard. Court challenges to any decision on the above proposals may be limited to issues raised at the Board hearing described herein or in correspondence submitted to the Board of Supervisors at, or prior to, the Board hearing.

S/Alicia Jamar  
Chief Deputy Clerk of the Board of Supervisors

---

DO NOT PRINT TEXT BELOW THIS LINE

To Be Published

# Saturday, December 7, 2019

Contact Person:

**Submitted to the Union Democrat on Thursday, December 5, 2019, by Taryn Vanderpan, 533-5635, 533-5571, 533-5633**

Bill To:

**Tuolumne County Community Development Department**